



# AGENDA

REGULAR MEETING OF  
THE PLANNING COMMISSION  
OCTOBER 01, 2020 AT 6:00  
PM  
ATTEND VIRTUALLY

---

## SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT

**Attendance:** In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Planning Commission meeting will be conducted using Zoom.

**Viewing on YouTube:** Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/channel/UCuW5Fb7iWuKpTdsWYNDurgA>. The YouTube live stream can be accessed at this address from most computers, mobile devices, or smartphones. A video recording of the meeting will be posted on YouTube and available for viewing after the meeting.

**Attending on Zoom:** Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number will be posted on the City of Santa Fe's Calendar of Events website at least seventy-two (72) hours before the meeting: <https://www.santafenm.gov/events>. The direct Zoom link is: <https://us02web.zoom.us/j/83670663135?pwd=UTIkSndMRkVkanErcnpvSk84T3N6Zz09> and use password: Passcode: 430277

**Attending Zoom by Phone:** Members of the public can attend the Zoom meeting by phone by dialing:

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099

Webinar ID: 836 7066 3135

### Public Comment:

- By video: A person attending the Zoom meeting by using a computer, mobile device, or smart phone may provide public comment during the meeting. Attendees should



# AGENDA

REGULAR MEETING OF  
THE PLANNING COMMISSION  
OCTOBER 01, 2020 AT 6:00  
PM  
ATTEND VIRTUALLY

use the “Raise Hand” function to be recognized by the chair to speak at the appropriate time.

- By phone: A person attending the Zoom meeting by phone may provide public comment during the meeting but **must** provide advance notice to City staff. Please contact Noah Berke (505-490-5930, [nlberke@santafenm.gov](mailto:nlberke@santafenm.gov)) no later than Monday, September 28, 2020, and provide your **full name, address, and the phone number** you will be using to call in to the teleconference. Without your phone number, the chair will not be able to recognize you to speak at the meeting.
- In writing: A person may submit written public comments in advance of the meeting by email ([LandUsePublicComment@santafenm.gov](mailto:LandUsePublicComment@santafenm.gov)), by U.S. Postal Service (City of Santa Fe, ATTN: Noah Berke, PO Box 909, Santa Fe, NM 87504-0909), or by dropping off a comment at the physical drop box which will be located outside City Hall at the entrance to Land Use Lobby facing Marcy Street. Please include your full name and address, and identify the specific agenda item you are commenting on. To be included in the official record and considered at the hearing, written public comment **must** be received no later than Monday, September 28, 2020.

- A. **ROLL CALL**
- B. **PLEDGE OF ALLEGIANCE**
- C. **APPROVAL OF AGENDA**
- D. **APPROVAL OF MINUTES:**
  - 1. August 6, 2020
  - 2. August 20, 2020
- E. **APPROVAL OF FINDINGS/CONCLUSIONS**
- F. **OLD BUSINESS**
- G. **NEW BUSINESS**



# AGENDA

REGULAR MEETING OF  
THE PLANNING COMMISSION  
OCTOBER 01, 2020 AT 6:00  
PM  
ATTEND VIRTUALLY

- 1. Case #2020-2499. 1623 Camino de Cruz Blanca Variance to 14-7.2(B)(5).** James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variances to Subsection 14-7.2(B)(5) for calculation of dwellings within the Mountainous And Difficult Terrain (to eliminate the 0.75 reduction in density from the calculation of density).  
The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities – 0.4 Dwellings per acre with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain. (Dan Esquibel, Case Manager, [daesquibel@santafenm.gov](mailto:daesquibel@santafenm.gov), 955-6587)
- 2. Case #2020-2592. 1623 Camino de Cruz Blanca Variance to Table 14-9.2-1.** James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variance to Table 14-9.2-1 “Design Criteria for Street Types” to allow 9 dwelling units on a Lot Access Driveway. The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities - 0.4 Dwellings per acre with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain. (Dan Esquibel, Case Manager, [daesquibel@santafenm.gov](mailto:daesquibel@santafenm.gov), 955-6587)
- 3. Case #2020-2500. 1620 Agua Fria Street Romero Preliminary Subdivision.** Liaison Planning Services, Inc., Agent, for Carlos and John Romero, Owners, requests approval of a preliminary subdivision plat for 7 single-family residential lots located at 1620 Agua Fria Street. The property is zoned R-5 (Residential- five dwelling units per acre) and is approximately 1.47 acres. (Lee Logston, Case Manager, [lrlogston@santafenm.gov](mailto:lrlogston@santafenm.gov), 955-6136).

## H. STAFF COMMUNICATIONS

1. Informational/Discussion Item: Chapter 14 Amendment to 14-8.14 Impact Fees

  - Brief introduction of impact fees, IFCIP, CIAC.
  - Note that CIAC/PC/GB will set a percentage of allowable impact fees we charge (across the board), CIAC should have a recommendation.



# AGENDA

REGULAR MEETING OF  
THE PLANNING COMMISSION  
OCTOBER 01, 2020 AT 6:00  
PM  
ATTEND VIRTUALLY

---

## MATTERS FROM THE COMMISSION

### I. ADJOURNMENT

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

**SUMMARY INDEX  
PLANNING COMMISSION MINUTES  
AUGUST 6, 2020**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
1) Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes June18/July02, 2020	Approved	2
Findings/Conclusions	None	2
E. Old Business: Ordinance Amending Section 14-11.4 Code adopting Civil Penalty Provisions	Approved	2-6
F. New Business		
1) Case #2020-2267. Zoning Ordinance Findings/Conclusions	Approved with conditions Approved	6-19 19-20
2) Case #2020-2268. Development Plan Findings/Conclusions	Approved with conditions Approved	6-19 20
3) Case #2020-2269. 5750 Airport Rd. Findings/Conclusions	Approved with conditions Approved	20-22 22
G. Staff Communications	Comments	23-24
H. Matters from the Commission	Comments	24-25
I. Adjournment	Adjourned at 8:40 pm	26

**MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION**  
**Thursday, August 6, 2020 - 6:00pm**  
**VIRTUAL HEARING**

**CALL TO ORDER**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:00 p.m. at a virtual meeting held at <https://www.youtube.com/user/cityofsantafe>.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum for the meeting.

**Members Present**

Commissioner John B. (Jack) Hiatt, Chair  
Commissioner Mark Hogan, Vice Chair  
Commissioner Janet Clow  
Commissioner Pilar Faulkner, Secretary  
Commissioner Lee Garcia  
Commissioner Brian Patrick Gutierrez  
Commissioner Jessica Lawrence  
Commissioner Dominic Sategna

**Members Absent**

(One Vacancy)

**Others Present:**

Mr. Elias Isaacson, Land Use Director  
Mr. Noah Berke, Planner Manager and Staff Liaison  
Mr. Carlos Gemora, Senior Planner  
Ms. Sally Paez, Assistant City Attorney  
Ms. Melissa D. Byers, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.**

**B. PLEDGE OF ALLEGIANCE**

Chair Hiatt led the pledge of allegiance.

Chair Hiatt asked Mr. Berke to explain the process for participation in the public hearing.

### C. APPROVAL OF AGENDA

**MOTION:** Commissioner Faulkner moved, seconded by Commissioner Hogan, to approve the agenda, as presented.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

### D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

**MINUTES:** June 18, 2020 and July 2, 2020

**MOTION:** Commissioner Faulkner moved, seconded by Commissioner Hogan to approve the Minutes of June 18, 2020 and July 2, 2020 as presented.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

**FINDINGS/CONCLUSIONS:** None

### E. OLD BUSINESS:

1. An Ordinance Amending Section 14-11.4 of the Land Development Code to Adopt Civil Penalty Provisions, a Civil Fine Schedule, and Civil Citation Procedures for Land Use Code Enforcement Actions; and to Permit the Land Use Director to Order a One-Year Waiting Period for Application for Short-Term Rental Permit by a Person Who Has Violated the Short-Term Rental ordinance, Section 14-6.2(A)(5) SFCC 1987. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, [esiasaacson@santafenm.gov](mailto:esiasaacson@santafenm.gov), 955-6730) (Sally Paez, Assistant City Attorney, [sapaez@santafenm.gov](mailto:sapaez@santafenm.gov), 955-6501) **(POSTPONED FROM JUNE 18, 2020)**

### Staff Report

Director Isaacson referred to the report in the packet. He noted a corrected format version of the bill with strikethroughs and underlines of new text, which is attached as Exhibit "1". He read the executive summary of the Staff Report.

Ms. Paez said the motion to postpone says the Commission would receive additional comments but not hold an open public hearing.

Director Isaacson read through the amendments to Section 14-11.4, 1987 that includes adopting civil penalties, a civil fines schedule, and a civil citation procedure for Land Use Code enforcement. The amended ordinance clarifies the circumstances the Land-Use Director could revoke permits. That includes Short-Term Rental permits (STR) and allows the Land-Use Director to order a one-year waiting period for application for short-term rental permit by a person who violated the Short-Term Rental Ordinance.

Section 14-3.3 amendments to text in Chapter 14, outlines the process for amending text to the Code and make a recommendation to the Governing Body. The Planning Commission must find that the text amendment meets the six criteria set forth in 14-3.3(b).

Director Isaacson said the following criteria should be used to evaluate the proposed changes to the amendment and the basis for discussion:

Compliance with the law; consistency with the General Plan and other policies adopted by the Governing Body and with the purpose and intent of Chapter 14 and the section being amended; consideration of how the amendment relates to other provisions of the Santa Fe City Code; to avoid unintended consequences; and consistency with any approved neighborhood conservation.

Director Isaacson stood for questions.

Chair Hiatt asked Ms. Paez if she wanted to add anything.

Ms. Paez noted that the amendment would apply to Land Use Code violations in general. This was originally proposed as a companion bill to the STR legislation still under consideration and draft but would apply more globally. She offered to point out where the additions are included in the draft.

### **Questions For Staff**

Chair Hiatt asked Commissioners if they wanted Ms. Paez to review.

Commissioner Hogan suggested allowing specific questions. He supports teeth in the enforcement of the Code but concerned about anything ambiguous. He wanted to ensure there is a clear record of intent. He noted concern on page 3, line 16, that allows the Director enforcement over false application information. He asked how enforcement would be applied on that.

Director Isaacson explained through oversight, or sometimes intentionally, an application received does not fully represent the property. There may information on HOA, COA restrictions on the STR given to Land-Use received after the permit was issued.

Director Isaacson indicated the Department would like the ability to retroactively revoke in situations to remain compliant. It could be HOA constraints, or learning after the fact that parking is inadequate or the unit was misrepresented in the number of bedrooms, etc.

Commissioner Hogan said as he reads the Ordinance, the ability goes beyond short-term rentals and applies to any building permit application. He thought the Ordinance was not clear and could be used punitively.

Director Isaacson explained if an issue for a construction permit where someone entered \$10 that should have been \$1000, would incur additional fees. There is no formal policy for that scenario, but the applicant would be asked to pay the correct amount of fees. If the applicant were unwilling, a fine could be imposed as a way for the City to recoup lost revenue. It is about having the tools to get the greatest degree of compliance.

Commissioner Hogan understood someone subject to an increase in fine if they applied to add a bedroom onto their house but instead built four bedrooms.

Director Isaacson replied if that were the situation, the applicant would have bigger issues.

Commissioner Lawrence asked if changes to the fiscal impact report in June had changed the potential fiscal impact.

Director Isaacson said the fiscal impact statement is specific to this ordinance. The revenue narrative at the bottom walks through the thinking used for the numbers in the statement. The potential number of STR units in the City were looked at that operate without proper permits or registration. They tiered the fine amount to escalate from the first offence at \$150 to \$250 for the second offense to \$500 for the final offense. An average of \$250 was applied to fines across the board. They believe there will be more compliance each year with the third year estimated between 50-75 fines annually.

Commissioner Lawrence asked if this included penalties for other types of violations for development, etc.

Director Isaacson replied he did not assess fines beyond the STR parameters. This has a broader reach than land-use in general, but for the purposes of staff is just for STR.

Commissioner Lawrence asked if he had a sense if the impact on other types of permits would be minimal or could it be potentially significant.

Director Isaacson said it made sense to assume if there were more opportunities to apply the civil penalties provision, there may be an opportunity to issue more fines. Revenue projection would go up if that is the case. There are other scenarios where civil penalties might apply beyond issues of construction permits, such as requirements for construction regarding noise, dust, litigation, etc. He hasn't talked with the Assistant City Attorney on how those could be applied in the Ordinance but might be something they would support.

Commissioner Clow suggested in regard to Commissioner Hogan's question, to say a "material misrepresentation." That clarifies a violation would have to be significant to be relevant.

Director Isaacson deferred the recommendation to Ms. Paez.

Ms. Paez thought it would be a good change. The Commission is making a recommendation to the Governing Body who hears this on Wednesday. The language *material misrepresentation* could be included in an amendment.

Commissioner Garcia indicated he wasn't at the meeting when this was first discussed. He asked if there could be situations with the \$500 fine where further penalties could be imposed.

Director Isaacson understood that to be the maximum amount allowed by State statute but doesn't prohibit imposing a \$500 fine multiple times if multiple violations. The City reserves the right to go through the criminal process if the civil process doesn't remedy the issue.

Ms. Paez clarified the limitation is in the New Mexico Constitution. Also, the City's jurisdiction to impose civil penalties is limited to the maximum amount allowed to be imposed in a criminal penalty, which is \$500. She agreed multiple violations could warrant separate \$500 penalties if they were distinct violations.

Commissioner Garcia said that was only one of his concerns. He isn't a fan of imposing additional fees but understands the need to keep people accountable. He thought multiple penalties could also become an issue at some point.

Director Isaacson said it had been a challenge to develop a schedule of fines. They heard of other cities whose fines were so low violators continued to operate. They just paid the fine and still made a profit. The fines had to be a deterrent for operating without the proper permits/registrations and the maximum of \$500 was a reasonable deterrent.

Commissioner Faulkner asked Director Isaacson to review the appeal process.

Director Isaacson asked Ms. Paez to explain.

Ms. Paez said the appeal process is an administrative hearing through a hearing officer. Provisions in Subparagraph 4 are loosely based on the City parking ticket violations procedures. There are other areas as well with an administrative appeal hearing such as the criminal marijuana and liquor licenses. A request for hearing is required within 15 days of the receipt of notice of a fine. The hearing officer would be appointed by the City Manager. There would probably be lawyers and possibly a pool of hearing officers who could be used for more than one type hearing. They could be specific to Land Use if possible to find someone with land-use expertise.

The fine would have to be paid prior to the hearing and the hearing would be scheduled by the hearing officer within 30 days. The City would keep the deposit if the civil petition is upheld and if not, the money is returned to the person. There are statutory rights allowed to appeal to the District Court for anyone who further challenges the decision. A person can appeal to the District Court and would receive their money back if they win. The revenue collected would be used for further Land Use Department enforcement if they lose.

### **Public Hearing**

None.

### **Commission Discussion**

**MOTION:** Commissioner Clow moved to recommend approval of the proposed Ordinance with an amendment to Section 14-11.4 with a change on page 3, section c and d, to add "material" at the beginning of the sentence before *misrepresentation*. Commissioner Hogan seconded the motion.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence, Sategna and Chair Hiatt voting in favor and none voting against.

## **F. NEW BUSINESS**

1. **Case #2020-2267. 719, 721, 723, 723½ Don Diego; Castillo Compound Zoning Ordinance Amendment.** Celia and Alvino Castillo, Owners, request an amendment to Ordinance 1998-4 and the associated development plan to allow building additions, to allow two additional commercial uses, and to clarify and align various other conditions of approval with a development plan approved in 1999 and a proposed development plan amendment (2020-2268). The properties are

approximately 0.40 acres and is zoned C1PUD (Office and Related Commercial; Ordinance #1998-4). (Carlos Gemora, cegemora@santafenm.gov, 505-955-6670).

2. **Case #2020-2268. 719, 721, 723, 723½ Don Diego; Castillo Compound Development Plan.** Celia and Alvino Castillo, Owners, request an amendment to a development plan and the associated Zoning Ordinance 1998-4 to expand the building footprints on the property by approximately 1,300 sq. ft., to modify existing accessory structures, to construct a carport of approximately 550 sq. ft, and to construct new walls and fences. The properties are approximately 0.40 acres and is zoned C-1PUD (Office and Related Commercial; Ordinance #1998-4). (Carlos Gemora, cegemora@santafenm.gov, 505-955- 6670).

### **Staff Report**

Mr. Gemora said there are two cases, a zoning amendment, Case #2267 and a development plan amendment, Case #2268.

He displayed the existing compound and three properties on screen. The applicant requested relatively small changes: additions around 1200 square feet, for two of the single-family homes and rebuilding the carport that was at the back of the property. Total lot coverage change is about 30% or about 1650 square feet. Also, the applicant proposes changing a storage building in the back to a garage and adding 6-foot-high walls and fences in front of the property.

Mr. Gemora indicated these types of changes normally go straight to application for a building permit, but these properties are not typical. The development plan approved in 1999 was shown that reflects a similar compound as seen today. Instead of conditions of approval on the development plan, this plan recognizes the Zoning Ordinance conditions. The Ordinance, shown on screen, establishes a special C-1 PUD District, specific to the Castillo compound.

Mr. Gemora noted 15 conditions of approval were placed by the Ordinance on the property: A regulation for overall use, in this case restricting use to commercial/office uses which the applicant has had in the past. The other conditions typically are on a development plan rather than in a Zoning Ordinance: requirements for maintenance on buildings, plantings on property lines, maintaining and meeting the landscape requirements in compliance with the development plan improvements.

There is confusion around the Zoning Ordinance conditions 2-5, that require the footprint to be preserved and additions to buildings would be allowed. But if *footprint* is defined as a shape and size, then changing the shape would change the footprint. The

question is what was meant by preservation of the footprint and if preserving the footprint allows additions.

Mr. Gemora said also, a number of the conditions of the Zoning Ordinance conflict with what the Commission permitted in 1999. As examples, building walls or fences were required along the Don Cubero Alley and limiting visibility and automobile access. The 1999 development plan allowed automobile access and did not require the walls and fences. The 1999 plan also required an emergency automobile gate to be built to Don Cubero Alley, but no gate was built. The applicant was also required to tear down the existing garage/carport. The carport was torn down, but the garage was kept.

Mr. Gemora suggested the Commission focus on what is reasonable today. Staff has reviewed the Zoning Ordinance and asked the applicant to clear it up. The applicant brought forward a Zoning Ordinance with significant changes and amendments than in the original request, in language but not necessarily in use and form.

He noted in the staff report that the top box shows strikethroughs and added language and the bottom box had the conditions the applicant proposes to maintain. Some conditions proposed by the applicant to delete would be deleted outright, and some would be transferred to the development plan.

Staff agrees with the applicant. Staff has suggested some of the conditions to ensure the development plan conditions are reviewed by the Planning Commission, rather than as a condition of the Zoning Ordinance. Staff recommended conditions were displayed on screen on the left and the applicant's recommended conditions were on the right. Many of the conditions in the Zoning Ordinance have been transferred into conditions and notes to be placed on the development plan.

Mr. Gemora suggested the Commission discuss the Zoning Ordinance first as it clarifies applicable conditions of approval. The applicant will explain the two additional permissible commercial uses. Chapter 14 required specific criteria to rezone a property, but not to evaluate a request to amend the conditions of rezoning. He suggested the Commission look at how the proposed Zoning Ordinance would affect public interest. They should ensure public interest is served.

Staff supports the Ordinance amendment and the recommendation of approval of the Ordinance amendment to the Governing Body. The proposed Zoning Ordinance clarifies and moves development related conditions to the development plan and reduces and removes redundant conditions.

Mr. Gemora reported the development plan proposes about 1250 square feet of residential additions to the existing structures; a conversion of the storage building back to a garage; construction of a 400 square-foot two-car carport; and modifications to walls and fences.

Staff has reviewed the development plan for approval criteria and recommends approval.

Mr. Gemora stood for questions. He indicated Celia Castillo, the applicant, was present to speak.

### **Applicant's Presentation**

Celia Castillo, 719 Don Diego, was sworn in. She introduced her husband Al, architects Suby Bowden and Julia Wyrick, and her daughter, son-in-law and granddaughter.

She said she appreciated being here and had watched previous meetings to prepare for tonight. Both she and her family recognized the time and thoughtfulness and study the Commission puts into the issues and thanked them for their work.

Ms. Castillo displayed a slide presentation with an aerial view of the property, buildings and location to surrounding streets. Residential is to the south and commercial and the Railyard are to the north and their property is in a buffer transition. The Castillo's have owned the property since 1976 and the property was residential and office rentals. In 1986 they moved to Silver City and returned to Santa Fe in the early 2000's. They remodeled 719 and a daughter moved into 723 in 2005, and until late 2019, 721 was a law office until the tenant died. When the tenants left the offices of 723 ½ the family began using the space as a personal office.

They plan for their younger daughter to move to Santa Fe from Los Lunas and are requesting to adapt the compound to accommodate the three households. She and her husband will continue living at 719. One daughter and her family will live at 721 and another daughter at 723 and 723 ½ will remain a personal office.

Ms. Castillo said she contacted Suby and Julia, the architects, who worked on the project and made a presentation to the City in January 2020. That is when they discovered a number of problems and decided to go forward. As Mr. Gemora mentioned, they want to add a living room and a deck on the property, add room for a new bathroom on the back of 721 and add a garage and a carport. Also, they would like to fence the property with a 6-foot wall for a variety of reasons.

Photographs were shown of the elevations and ideas for developing the property. Ms. Castillo noted the vine in front of 721 was there since 1976 and she wants to keep. The wall in front of 723 and part of 719 would be stucco, and there would be a rolling gate that closes at night. The 6-foot wall is for privacy and safety, noise reduction and aesthetics and add to the neighborhood and their property. Currently people walk through

their property and the wall would prevent that. They want to secure the property to prevent people entering it and having cars make U-turns in and out of the property.

The property is zoned commercial as well as residential and is a buffer property and they have tried to do what is good for the neighborhood as well as for themselves.

Ms. Castillo noted a study was conducted of walls between Trujillo and Cordova showing 20 walls/fences of 6 feet or over on Don Diego and 4 walls on her block. Photographs were shown of her street and areas around their neighborhood.

They propose to amend the first three Ordinance conditions and delete conditions 4-15, but transfer most of them to the development plan conditions and notes. Condition 1 would allow 2 additional commercial uses. They chose galleries and restaurants, *at service take out without drive up* which is permissible in C1 zoning. They chose a gallery because her husband's family owns galleries in Atlanta and Silver City and members of their family are artists. The restaurant/ice cream shop was chosen because Clark is a baker and her daughter makes wonderful ice creams and is a possibility at some point.

Condition 2 clarifies that the renovations, additions and construction are allowed. This clarifies their intent at the time they agreed to those conditions in 1999.

Condition 3 is the amendment that requires compliance with applicable regulations, not just zoning requirements for the residential uses. This is a safeguard for future development when they open a gallery or a gelato shop to ensure regulations are followed for commercial development, parking, ADA, etc. And it would eliminate having to come back to the Planning Commission.

Ms. Castillo showed a slide with the new language and the old, the deletions in the Ordinance and the additions that would be added to the development plan. She indicated after City Council approved the conditions in the Ordinance in 1999, the neighborhood association continued to work with the City. The president of the association at that time, wrote a letter to Greg Smith (she provided a copy) agreeing the Castillo family could have two residential parking spaces on Don Cubero Alley and retain and repair the garage as a storage building. The final development plan shows the language of that agreement, but they did not return to the Council to change the Ordinance. That is why there is a conflict.

She noted one of the deletions allows them to have a second story in the future, which is not currently allowed. Again, that would eliminate the applicant from having to come back to the Council to request a second story. As a safeguard, they would have to come back through the development plan process and the Planning Commission if they want to build a second story. Both changes requested have safeguards.

Ms. Castillo pointed out on a map 16 second story builds in the area of the compound along Don Diego and Cordova.

Suzanne "Suby" Bowden, 333 Montezuma Avenue, was sworn in. She had nothing to add now and would wait for questions.

### **Public Hearing**

Chair Hiatt said Ms. Beninato had previously submitted written testimony, which is attached as Exhibit "2". He reminded everyone generally two minutes are allowed for comment.

Stefanie Beninato, PO Box 1601, was sworn in. She asked for extra time since this was for two cases and hoped the Commissioners had looked at her written comments. This is a specially zoned compound and much of what they are looking at is deleting things rather than looking at why the original conditions were imposed. The kinds of changes that occurred to justify eliminating those conditions. The conditions were imposed for specific reasons. She is specifically concerned about the architectural deletions, low walls and the second stories. The addition at 719 totally changes the architectural style and the addition on 721 also changes the look of the building. She doesn't oppose anything facing Don Cubero or the carport or garages. They should look at properties to the north similar in appearance that have very low walls. She is opposed to the approval of an increase in commercial use the applicant wants. A big concern is saying businesses and professional offices because business is a giant category. It is not business offices, it is businesses. That should be stricken. Also, the Commission should discuss the definition of footprint as a preservationist.

Ms. Paez indicated the two minutes were up.

Chair Hiatt asked Ms. Paez what she recommended.

Ms. Paez said thought another two minutes was fine and was his discretion. The limit to comments is for times when there is a high volume of speakers.

Chair Hiatt granted Ms. Beninato an additional two minutes after confirming the Commissioners had no objection.

Ms. Beninato said the Commission should discuss what *preserve footprint* means. She said the additions should have a square foot limitation and she never heard how much square footage would be added or the total square feet for each building. Additions should be distinctive but not overwhelm. The Commission should use the Historic Design Review Board and the Ordinance as a guide. Things publicly visible and unique to the house like the 721 façade, would be preserved while allowing changes on other things.

The entrance is limited and narrow and depending on the direction you come from at least three other commercial businesses are there. There should be more discussion on eliminating all of the conditions previously imposed for this special zone. And if the Commission adopts Condition #3 it should state it would comply with applicable commercial regulations with no exceptions.

Hope Reed, 321 W. Cordova Road, was sworn in. She was concerned when she saw all of the changes to the project but after speaking with Ms. Bowden she supports the project. She learned many changes would be eliminated and were not new and this will be a nice improvement and appropriate for the area.

There being no further public comment, Chair Hiatt closed the public hearing.

### **Commission Discussion**

Chair Hiatt noted there would be an opportunity to address public comments but wanted to allow Commissioners to comment.

Ms. Bowden asked to speak. She provided her background as an architect and planner in Santa Fe. She worked on the Railyard project and knows the district and property well and worked with the Castillo's in the 1980s.

She thought Ms. Beninato's primary concern was footprint and architectural styling. She would assure everyone that the footprint is being preserved in all three buildings and the existing buildings would not be removed. This request for additions requires footprints per the 1984 approvals and the architectural styles would also be maintained.

Ms. Bowden showed images of the 723 building with the porches. She noted that 723 is a miniature of the wrap Santa Fe Style of the Gross Kelly Warehouse and will continue to be preserved. The 719 building is like a farmhouse structure and will stay intact and a porch and living room will be added in front with a roof deck above it. The addition will be visible as well as the existing structure. The porch being added adjacent to the new living room will be Pueblo style and the footprint and styling on all three buildings will be preserved.

Ms. Bowden stood for questions.

Commissioner Hogan asked to see the elevations of the structures on Don Diego that show the walls.

Mr. Berke asked if the wall restriction was in place before the park.

Ms. Bowden replied the Railyard Park was under public discussions at the time of the 1984 development plan for the Castillo property. The restriction wasn't implemented until many years later and Entrada Park also came in late 80's early 90s.

Ms. Castillo showed the elevation and height of the existing walls and fences.

Commissioner Hogan asked the location of the vine and was told it is on the chain link fence. He asked to confirm they would keep the vine and build a 6-foot wall and a gate.

Ms. Castillo said they would keep the vine, but you would still see the architectural design of the 721 building.

Chair Hiatt asked Mr. Gemora to show the Ordinance with the three areas the Commission should address, which they will take one at a time.

He asked Mr. Gemora to confirm on Condition #1 he recommended the Commission approve.

Mr. Gemora said he is recommending approval. He reminded them that uses for C1 before, typically allowed many different types of commercial uses. Those restrictions will still be maintained. This will allow for only two additional commercial uses from the options. The permits do not guarantee the applicant can put those businesses in. There will be notes in the development plan on the existing zoning and building requirements at the time those businesses are built. Things like additional landscaping, parking, height, setbacks, etc. all will have to be met at that time.

Chair Hiatt asked if it is fair to say the applicant is self-restricting the businesses allowed in a C1 zoning.

Mr. Gemora replied this is restrictive, but the applicant is requesting a little less restriction than normally applied to the C1 District..

Chair Hiatt said Condition #2 requiring the architectural styles of the existing buildings be preserved and the footprint issue. He asked if Mr. Gemora was wondering if preserving the footprint means they cannot have a vertical addition.

Mr. Gemora replied no, as proposed it entirely removes the footprint conversation and requires preservation of architectural styles and existing buildings, and for new additions and renovations to match the architectural style on the site. It no longer talks about footprints; whether they can or cannot be added to or how to define footprint. The proposed language clarifies how staff interprets that and how it should be applied per the agreement of staff in the original interpretation.

Chair Hiatt asked if anything in Chapter 14 prevented the additions and renovations proposed.

Mr. Gemora said no, the additions requested by the applicant are in line with surrounding residential/commercial properties and zoning. Two stories are allowed and the development plan conditions are in line with Chapter 114.

Chair Hiatt asked Mr. Gemora on Condition #3 if he were aware of anything in Chapter 14 that would prevent the applicant's request on the future commercial uses.

Mr. Gemora said nothing in Chapter 14 outright denies those uses other than having to comply with parking, traffic, building, zoning. All applicable regulations must be met at the time of the building permit, and the applicant would return to the Planning Commission for any changes to the development plan.

Chair Hiatt asked if Commissioners had questions on the zoning conditions.

Commissioner Sategna said he appreciated the great detail staff went through and the applicant's presentation. He noted this was pointed out as a family compound and the applicant felt it important to name family members and how the property is currently used. His concern is about removing the footprints language.

He asked staff when footprints are used in building, if other interpretations are considered other than that it is a building footprint; is it always a reference to a building footprint.

Mr. Gemora indicated generally footprint refers to building footprints. He discussed that in length with the Historic Preservation staff and Planning staff. There was a lot of debate whether *footprint* would allow additions. Specifically, when considering the footprints and how staff defines them opposed to saying, "the building". Staff suggested developing clearer language because they were concerned but welcome any proposals from the Commission.

Commissioner Sategna thought footprint already includes the definition of the building perimeter. Any change within that would be modifying the footprint. He thought they are modifying the footprint of the building when adding an addition. It is clear that is expanding the perimeter of the building.

Commissioner Sategna said his concern to try to make the modifications clearer is that the applicant appears to want to open the property up for commercial use if they ever sell the property. He appreciated that the applicant limited the amount of commercial uses to restaurant service take out, galleries, and business, etc. But wondered what would limit the applicant in the future from turning the compound entirely into a commercial space. This would modify or remove the footprint language which could

possibly create a loophole for the future for the buildings to be removed to create a gallery or a restaurant.

Mr. Gemora replied the property is currently zoned commercial although the Castillo family is using the compound as residential. That is permitted within the C1 districts; however, it is a commercial property.

Commissioner Sategna asked to confirm the intent of the language. The zoning limits the property to a specific type of business. Although the property is zoned commercial, it is not open to *any* business, it is not open to restaurants and galleries.

Mr. Gemora agreed. He clarified the commercial property is currently limited to, as defined by staff, business and professional offices. The modification would expand that to multiple commercial uses, a couple of different types. Current Chapter 14 requirements limit the types of construction and large commercial uses that are unable to meet the height, fire, parking and other requirements.

Mr. Gemora said the Commission could ask that staff place conditions to preserve the things that currently exist. Staff was thinking holistically in regard to the regulations and what made sense for this particular PUD based on its location.

Commissioner Sategna said he understood all of that. He was concerned that removing the footprint requirement, removes the requirement in the future for the applicant to keep the buildings intact. That was a main condition stated as part of this Ordinance language. He thought if you asked any architect/designer, they would say the building footprint is based on a building or the perimeter. Removing the footprint would allow the applicant to demolish the buildings and modify any building footprint to expand that for specific commercial purposes. He asked if Mr. Gemora agreed with that. Technically they could tear down the buildings by removing the restriction on the footprint but still keep the same architectural style when building the new building.

Mr. Gemora agreed he could see that interpretation as written. It is saying that additions/renovations to new construction, not necessarily demolitions, must be compatible with the existing buildings. So, taking away the existing buildings does become unclear. This is outside the historic preservation, but the Commission thought the commercial/residential buildings should be preserved, language could be included to do that. Staff did not see a lot of neighborhood opposition and he wasn't sure if staff should continue to require that these buildings should be preserved indefinitely.

Chair Hiatt asked if Ms. Castillo wanted to respond.

Ms. Castillo explained their intent was not to demolish the buildings. She asked to confirm Commissioner Sategna's concern was should the family sell the property, someone else may demolish the buildings.

Commissioner Sategna agreed. He explained the Commission is looking at the original intent, which appears is to maintain the building footprint of the property. But that is being removed. The Commission has to consider the implications down the road. Although the intention is to keep the Castillo family on the property, selling the property would open up potential to remove the buildings for the purpose of restaurants, galleries, and other business and professional uses.

Commissioner Sategna said he wanted to raise that point before the Commission voted on the request.

Ms. Castillo said that is not their intent and she had no objection including language in the condition to prevent that.

Mr. Berke said this is very unique. It is probably the first and only C1 property he has seen with conditions like this. The neighborhood and the applicant had worked on this in the past and now things and times have changed. He added, limiting other commercial uses on the property would be driven by parking.

He noted the property is outside the historic district. He understood the intent that it is almost a transitional district. A lot has changed in the area since 1998 when many of the restrictions were created. Whole Foods was a lumber yard and the Railyard was just being completed and the park wasn't there. Conversation around preservation of the existing building footprint was conducive at the time and times have changed. The family wants to expand the conditions of value to them and their needs and the future potential for the property.

Mr. Berke said the concern is a good one and he understands the building footprint discussion, and staff did have a long discussion. He wanted this to be addressed and brought before the Commission.

Director Isaacson said removing *footprint* and inserting the additional language underlined in blue would clarify the specific modifications and conditions that would be allowed to the existing buildings. He found the revised conditions to be clearer and easier for staff to interpret at the time of the building permit application.

Commissioner Hogan noted these are not landmark structures or historically significant or contributing. He thought the footprint language irrelevant. He asked why they would put additional restrictions on the property when none of the adjacent neighbors are subject to them. He appreciated that the applicant was willing to keep the structures as they are, but he couldn't see a reason to leave the footprint language.

Commissioner Faulkner said she would ask what would trigger the applicant having to return to the Planning Commission. She asked if the amendment would

exclude the applicant from meeting requirements of the development plan process if they wanted to tear down their residences to build a business.

Mr. Gemora displayed the development plan on screen. He noted generally any change to the footprint requires coming to the Planning Commission; any significant amendment to the development plan that staff was unable to take on. He said he would leave the specifics of when the applicant would be required to come before the Planning Commission to Mr. Berke.

Mr. Berke explained the development plan is the solidifying document for how a site is developed. The plan is reviewed to ensure compliance and is the driving force for developing the site and provides the limitations. If someone wanted to demolish their house they would come in for a demolition permit. Staff may find, based on how significant the change, whether they could approve the change or if it would need to come back to the Planning Commission. Administrative amendments that do not cause further intense use of the property would not have to come back.

Staff reviews in depth any altered designs previously approved by the Commission. And the Commission would see any significantly altered or changed plans that were previously approved or those adverse to the conditions approved.

Commissioner Faulkner asked to confirm nothing being approved today excluded the applicant in the future from following a process any other property is required to follow.

Mr. Gemora replied that was correct.

Commissioner Clow asked if the property has one deed or three separate deeds.

Ms. Castillo replied there are three separate deeds.

Commissioner Clow clarified it is really not a compound. She confirmed that as three separate properties a development plan was needed. She asked if the reason the applicant had to come before the Planning Commission was because of the restrictions, not zoning complications.

Mr. Gemora said essentially this is three single family homes and the applicant's request is for minor changes to a single-family home. But any changes to the zoning conditions and development plan have to come before the Planning Commission. In addition, because of the zoning complications, staff has requested the Zoning Ordinance amendment.

Commissioner Clow assumed any changes approved to the development plan or the amendments to the prior zoning of the property would be required to come back to the Planning Commission.

Mr. Berke clarified not *any* change; planting a tree in a different place would not come before the Commission. This is in front of the Commission because this is a Planned Unit Development (PUD) that requires an approved development plan. The rezoning was a C1 PUD which requires approval by City Council. That is why they have a development plan for the property. If this were any other C1 property that did not have the PUD, a development plan would not be required for under 30,000 square-foot of development.

Commissioner Clow asked to confirm that the Commission would not have to worry about "what ifs" because that is controlled by current zoning. Mr. Berke agreed.

She said the Commission should just consider whether they agree with the requested changes and the amendments to the zoning ordinance.

Chair Hiatt asked Ms. Paez if she had a comment.

Ms. Paez agreed with Mr. Berke. She added that because the property is a PUD it required the development plan. Removing some of the restrictions from the Ordinance and putting them in the development plan means the restrictions can be approved by the Planning Commission without the need to hold the two required public hearings. Things attached to the Zoning Ordinance will still have to go to the Governing Body.

She noted in terms of the development plan, only minor modifications and minor changes can be made administratively and approved by the Land-Use Director. Anything significant or change to intensity such as demolition or additions have to come before the Commission.

Commissioner Sategna asked Mr. Berke to clarify that he had said potentially what the Commission approves today, if within use, would not need to return to the Commission or require public comment or an ENN.

Mr. Berke thought there was no condition in the development plan or Ordinance if that were the scenario, that said the applicant could not demolish a building. It just states they should maintain the footprint, but he would leave it to Ms. Bowden to know that law. Staff evaluates based on what the Commission approved, the use and the conditions approved in this process and whether those conditions are maintained.

Director Isaacson said it is important to note that a zoning analysis determines allowable use; if there is adequate parking, access, the site is suitable for use, etc. Also, the development plan has restrictions. If a gallery were to significantly change a development on site it would require the plan to come back to the Commission for review. Safeguards are built into the specific Ordinance and the development plan for future use to assure there would be no drastic changes to the site without approval.

Commissioner Faulkner asked Director Isaacson to expand on the safeguards, because she thought there would be a trigger that requires the applicant to return to the Commission for review.

Director Isaacson said that was correct. He provided the scenario: if the applicant were able to change the use of a building to an allowable use that did not require a material alteration to an existing building. Whether the future use would be allowed would be dictated by things like available parking. That governs the intensity of use more than zoning regulations.

Director Isaacson continued that if any significant revisions to a building, zoning, architectural style would require further review by this body and/or the Governing Body depending on the alteration. If the alteration were to just the development plan, it would only come before the Commission. If a change to the zoning requirements requires it go before both bodies.

Commissioner Faulkner said it was suggested the Commission view this as a C4 because the differences seem nominal. She asked the Director if a better remedy would be a zoning change to C4.

Director Isaacson wasn't sure of the substantive changes to that approach. He cautioned against discussion of that because it was not advertised as a consideration for this hearing. He recommended exploring that in a subsequent meeting depending on the motion.

**MOTION:** In Case #2020-2267. 719, 721, 723, 723½ Don Diego; Castillo Compound Zoning Ordinance Amendment, Commissioner Clow moved to recommend to the Governing Body to approve with conditions. Commissioner Hogan seconded the motion.

**VOTE:** The motion passed by majority roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence, and Chair Hiatt voting in favor and Commissioner Sategna voting against.

**MOTION:** In Case #2020-2268. 719, 721, 723, 723½ Don Diego; Castillo Compound Development Plan, Commissioner Clow moved to approve subject to the conditions of approval and technical corrections recommended by staff. Commissioner Hogan seconded the motion.

**VOTE:** The motion passed by majority roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence, and Chair Hiatt voting in favor and Commissioner Sategna voting against.

**MOTION:** In Case #2020-2267. 719, 721, 723, 723½ Don Diego; Castillo Compound Zoning Ordinance Amendment Findings of Fact and Conclusions of Law, Commissioner Clow moved, seconded by Commissioner Hogan to approve the Findings of Fact and Conclusions of Law, in Exhibit A2.

**VOTE:** The motion passed by majority roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Chair Hiatt voting in favor and Commissioner Sategna voting against.

**MOTION:** In Case #2020-2268. 719, 721, 723, 723½ Don Diego; Castillo Compound Development Plan Findings of Fact and Conclusions of Law, Commissioner Clow moved, seconded by Commissioner Hogan to approve the Findings of Fact and Conclusions of Law.

**VOTE:** The motion passed by majority roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Chair Hiatt voting in favor and Commissioner Sategna voting against.

Chair Hiatt thanked the applicants and wished them good luck.

3. **Case #2020-2269. 5750 Airport Road Casa Azul Final Subdivision.** JenkinsGavin, Inc., Agent, for BBR 5750 Airport Road, LLC, Owner, requests approval of a Final Subdivision Plat for three lots located at 5750 Airport Road. The property is zoned SC-1 (Neighborhood Shopping Center District), is within the Airport Road Overlay District, and is approximately 6.24 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

Commissioner Faulkner recused herself from hearing this case. She explained that even though she feels she could be impartial, she wanted to protect the integrity of the vote of the Commission.

### **Staff Report**

Mr. Logston explained the owner's request is for the final subdivision plat for three lots zoned C1 neighborhood commercial. The property is at the southeast corner of Airport Road and South Meadows Road. The mixed-use project would include a medical office, clinic, coffee shop and 233-unit apartment building.

The Commission heard this case along with a preliminary development plan and Zoning Ordinance amendment on March 5, 2020. They approved the subdivision dependent on the Governing Body approval of the Zoning Ordinance amendment and

development plan. Both were approved by the Governing Body on May 13, 2020 and the applicant has returned for the final subdivision approval.

Mr. Logston explained most of the details of the project are included in the details of the development plan. This request is just to create the three lots. The conditions of approval of staff is to clean up items. The deceleration lane is on the plat.

Mr. Logston indicated he was contacted by Ms. Marnie Johnson, a neighbor on the street to the east. She requested to have either fencing or a wall on the eastside of the property. Although that item is actually for the development plan, he wanted to mention it since she could not be present at this hearing.

The proposed final subdivision meets all the development standards of Chapter 14 and would not increase nonconformities. Staff recommends approval with the conditions of approval and technical corrections mentioned in the Staff Report. Two motions would be required 1) Approve/deny the final subdivision subject to conditions of approval and technical corrections; and 2) approve the Findings of Fact and Conclusions of Law provided as Exhibit A2 in the packet.

### **Applicant's Presentation**

Jennifer Jenkins, 130 Grant Avenue, Suite 101, was sworn. She noted the preliminary subdivision plat along with the development plan was approved by the Planning Commission March 5 and subsequently the development plan was approved by City Council.

Nothing has changed in their request for final plat approval and it is consistent with what the Commission originally approved. They are starting to add detail around easements and reflecting right-of-way dedication for the right turn decel lane.

Ms. Jenkins offered to do a presentation if the Commission asked but thought everyone is familiar with the project.

Ms. Jenkins agreed with the conditions of approval and was happy to stand for questions or show images.

### **Public Hearing**

Ms. Paez indicated for the record that Marne Johnson submitted timely written public comment, attached as Exhibit "3". The comment was distributed to the Commission and made a part of the public record.

There being no further public comment, Chair Hiatt closed public hearing.

## Commission Discussion

**MOTION:** In Case #2020-2269, 5750 Airport Road Casa Azul Final Subdivision, Commissioner Sategna moved to approve subject to the conditions of approval and technical corrections recommended by staff. Commissioner Garcia seconded the motion.

**MOTION:** In Case #2020-2269, 5750 Airport Road Casa Azul Findings of Fact and Conclusions of Law, Commissioner Sategna moved to approve as provided in Exhibit A2. The motion was seconded by Commissioner Garcia.

Commissioner Hogan said he is delighted the affordable project came before the Commission. There were two questions he had in the first hearing and was told he would receive an answer at this hearing. First, the one-bedroom apartments appeared they did not have exterior windows, and secondly there was not an elevator.

Ms. Jenkins assured the Commissioner that all of the units have exterior fenestrations as a Code requirement. She thought it was a proverbial typo in the plan but offered to check. The building would accommodate an elevator, but the owner elected not to make that change at this time. Also, they have not moved forward with construction documents yet.

Commissioner Hogan said he realizes it isn't within the purview of the Commission to require, but he thought an affordable building that is not broadly accessible seemed unconscionable.

Chair Hiatt asked Ms. Jenkins if she wanted to explain why in an affordable building, advertised as affordable, an elevator would not be desirable.

Ms. Jenkins said it is expensive. The current reality would seem that construction costs would be going down, but they are not. This project is providing 15% affordable on-site, which is not insignificant financially. As things are developed, possibly an elevator could be considered. It would come down to the numbers and what the project could bear.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Hogan, Lawrence, Sategna and Chair Hiatt voting in favor and none voting against.

Chair Hiatt stated that Ms. Faulkner could return to the meeting.

## **G. STAFF COMMUNICATIONS**

Director Isaacson thanked the Commissioners for their time this evening. He reported that the budget was passed last week. The budget for Land-Use was decreased about 18%, consistent with most departments. There is discussion about reorganizing and consolidating some of the departments. The current proposal discussed is the creation of a Community Development Consolidated group with focus on community development. That would include Land Use, Economic Development, Tourism, Affordable Housing, Recreation, and Arts and Culture. The current Economic Development Director will lead that group.

The consolidation will be discussed at a public hearing August 26 at the Governing Body and adopted by ordinance or resolution.

Director Isaacson said an ongoing challenge and goal for the City has been to find innovative ways departments and divisions could better collaborate. Also, there is an effort to consolidate Constituent Services with the City Clerk's Office as a central interaction for the public.

Chair Hiatt asked to clarify that a new department would include the Land Use Department, but another person would be the director.

Director Isaacson explained Land Use would still explore the opportunity to add Planning and become the Planning and Land Use Department. He said often that portion is overlooked. He wants to reorient people to the valuable role they have in planning for the City's future. Other departments such as Affordable Housing, Tourism, etc. would be consolidated into the Community Development group led by Rich Brown, the current Economic Development Director.

Chair Hiatt confirmed the chain of command would go from Director Isaacson to Rich Brown to the City Manager or Mayor.

Director Isaacson explained they are working on the details and there will be both formal and informal reporting responsibilities. Their first meeting was today, and they are determining the reporting structure and ironing out some of the challenges.

Chair Hiatt said his concern on the short-term rentals and the number of unregistered people still out there, and the lack of energy expended to find them and make them participants in the system.

Director Isaacson pulled up an email from host client consultants with statistics. He reported there has been a reduction of over 200 units who were previously advertising, many of which were not in the system. They have seen progress in the amount of nonregistered who are no longer renting, because of Covid and the first round of

enforcement letters were sent in early June. They also saw an uptake in new STR permits/registrations since enforcement, but the effort is ongoing. He hopes to continue enforcement to address those operating without a permit.

He said some of their Code Enforcement officers were reassigned to enforcement and inspections. And they are dealing with compliance complaints on other matters like weeds, etc., but will continue to work on it. Their hope is that the new ordinance will further advance their cause.

Chair Hiatt said he was talking about this with his law partner, Mr. Grasier. He said he would offer his partner's suggestion for consideration; require those who advertise to list their Land Use license number.

Ms. Paez said they plan to add a provision to allow the online host platform to remove a listing identified by the City as someone noncompliant. In addition, they will target them with other options.

Mr. Berke announced the retirement of Greg Smith who was with the department about 26 years. During his employment he was the head of Code Enforcement and at one time a Planner and the Planning Division Director.

Director Isaacson said it was great to recognize Mr. Smith's contributions. He had a very impactful career in the Land Use Department.

Chair Hiatt asked that Mr. Berke extend the Commission's best to Mr. Smith.

## **H. MATTERS FROM THE COMMISSION**

Commissioner Faulkner said she didn't mind but was curious how the decision came about of the Chair to vote.

Chair Hiatt explained the City Charter was changed not long ago and allowed the Mayor to vote. That started a conversation through the City Council. He felt he wasn't participating much and was letting the other Commissioners do the heavy lifting.

Ms. Paez added it is always been at the Chair's discretion to vote, and certainly always could vote in a tie. There was no explicit rule.

Commissioner Faulkner noted that having the Chair vote could cause a tie, given the number of Commissioners.

Chair Hiatt explained if a tie, then the vote fails. He wasn't sure a motion to reconsider would be applicable because it would have to be brought forward by someone on the prevailing party side.

Ms. Paez thought the Commission would have to continue to act until they took action on a case. She noted the Chair could always make or break a tie by their vote. Potentially there could be a meeting that had to be postponed because of a deadlock.

Commissioner Faulkner asked if another Commissioner was coming anytime soon.

Director Isaacson said they are looking at that, but it is one of many things they are dealing with. He doesn't have a definite time the vacancies will be filled.

Commissioner Gutierrez noted on the possibility of a tie with the Chair participating in a vote. He recommends the Chair consider not voting or pulling someone off the Commission given the odd number of Commissioners.

He added he sent an email to staff with questions he had and never received a call back. He asked for an updated list of staff phone numbers so he would not have to go through Planners or Mr. Berke.

Director Isaacson recommended he use email first when contacting staff, because of the remote working situation.

Mr. Berke indicated the next meeting will be large. It will include increases for services provided in the Land Use Department, a controversial zoning request and another zoning ordinance amendment. He suggested Commissioners review the Land Use Code for the public services they provide to Land Use and review the current fees. That hasn't changed since Chair Hiatt was the director of Land Use, about 12 years ago. He expects it will be a long night with a lot of public comment and questions.

Chair Hiatt asked Mr. Berke if he had talked with other Planners about the "approve or deny" language in the recommendations.

Mr. Berke said he has and were trying their best when editing reports. The Commission has the ability to not follow staff recommendations. He did notice one of the cases tonight was missing the "deny".

Chair Hiatt said it is optics and he didn't want someone outside reading the report that says your job is to "approve" without the consideration that the Commission can also deny. Commissioners understand their job, but his concern is the public perception.

He thought that would be the best language unless someone disagreed.

Commissioner Garcia indicated he might miss the meeting for the 20<sup>th</sup>, depending on his daughter's moving date for college.

Commissioner Hogan asked the dates for September meetings.

Mr. Berke reported he thought there was only one meeting planned in September, but a slot is always open if needed. He anticipated two meetings in October with big cases. There are four to five applications expected in by the August deadline. One applicant asked to be in the second meeting in October because traffic studies are more complicated with Covid. The traffic engineer spends more time on the traffic studies and the engineers are demanding more data.

Ms. Paez confirmed the September 3 meeting will remain the same and not be moved to after Labor Day.

Chair Hiatt reminded Mr. Berke of the discussion to possibly use one of the vacant slots as a policy-oriented meeting. He said that would be great if possible.

Mr. Berke said that was his full intent when they started the virtual meetings. He didn't anticipate the cases getting larger and meetings getting busier, but they are. He planned to use the second meeting to provide policy and training and discussion information. He offered to look at the second meeting in September. He said he wants to avoid overwhelming the Commission with two meetings every month. The meetings are long, and he was trying to be cognizant of the Commissioners.

Commissioner Sategna asked which district was missing.

Chair Hiatt thought it was District 2. He recalled discussing having Commissioner Clow be reappointed by a Councilor in District 2 in order to open an at-large appointment.

Director Isaacson said that was the recommendation they submitted. They have had issues finding Commissioners from District 2. Commissioner Clow lives in that district. There will be a better chance finding someone to fill the position if they open a search for an at-large position.

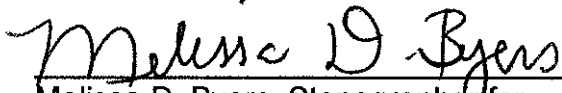
Mr. Berke added there is also a vacancy on the Capital Advisory Committee. They do infrastructure hearings and Chair Hiatt is on that board as well. He invited anyone interested to let Eli know because they want to fill the vacancy. It is a very important Board and develop major infrastructure in the City that includes intersections, parks, police, fire, etc. Also, it ties to what the Commission does now in approving and developing areas.

Commissioner Faulkner expressed interest in the committee.

**I. ADJOURNMENT**

There being no further business before the Commission, Chair Hiatt adjourned the meeting at 8:40 pm.

Submitted by:

A handwritten signature in cursive script that reads "Melissa D. Byers". The signature is written in black ink and is positioned above a horizontal line.

Melissa D. Byers, Stenographer for  
Byers Organizational Support Services

Approved by:

---

John B. Hiatt, Chair

**SUMMARY INDEX  
PLANNING COMMISSION MINUTES  
AUGUST 20, 2020**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
1) Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes	None	2
Findings/Conclusions	None	2
E. Old Business:	None	2
F. New Business		
1) Ordinance Amendment Table of Uses Section 1-6.1(C)	Approved	2-4
2) Ordinance Amendment Creating Fees and new sections in Code 7-1.3	Approved w/Amendments	4-7
3) Case #2020-2266 Sangre Azul, Final Subdiv. Findings / Conclusions	Approved Approved	7-10 10-11
4) Case #2020-2273 4262 Agua Fria Street and 4701 & 4702 Rufina St. Rezoning Amendments Findings/Conclusions	Approved Approved	11-24 24
5) Case #2020-2274 4262 Agua Fria Street Rezoning Amendments Findings / Conclusions	Approved Approved	24-25 25
6) Case #2020-2287 and 4701 & 4702 Rezoning Amendments	Approved	25

Findings / Conclusions	Approved	25
G. Staff Communications	Comments	25-26
H. Matters from the Commission	Comments	26
I. Adjournment	Adjourned at 8:40 pm	26

**MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION**  
**Thursday, August 20, 2020 - 6:00pm**  
**VIRTUAL HEARING**

**CALL TO ORDER**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:00 p.m. at a virtual meeting.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum for the meeting

**Members Present**

Commissioner John B. (Jack) Hiatt, Chair  
Commissioner Janet Clow  
Commissioner Lee Garcia  
Commissioner Brian Patrick Gutierrez  
Commissioner Jessica Lawrence  
Commissioner Dominic Sategna

**Members Absent**

Commissioner Mark Hogan, Vice Chair, excused  
Commissioner Pilar Faulkner, Secretary, excused  
(One Vacancy)

**Others Present:**

Mr. Elias Isaacson, Land Use Director  
Mr. Jason Kluck, Assistant Land Use Director  
Mr. Noah Berke, Planner Manager and Staff Liaison  
Mr. Carlos Gemora, Senior Planner  
Ms. Sally Paez, Assistant City Attorney  
Ms. Melissa D. Byers, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.**

**B. PLEDGE OF ALLEGIANCE**

Chair Hiatt led the pledge of allegiance.

**C. APPROVAL OF AGENDA**

**MOTION:** Commissioner Lawrence moved, seconded by Commissioner Clow, to approve the agenda, as presented.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

**D. APPROVAL OF MINUTES**

None

**E. APPROVAL OF FINDINGS/CONCLUSIONS**

None

**F. OLD BUSINESS:**

None

**G. NEW BUSINESS**

1. **An Ordinance Amending the Table of Permitted Uses in Section 14-6.1(C) SFCC 1987 to Include Commissary Kitchens as a Permitted Use Requiring a Special Use Permit in C-1 Zoning Districts; and Amending Section 14-12.1 to Add the Definition of Commissary Kitchens. (Councilors Lindell and Villarreal) (Eli Isaacson, Land Use Department Director, esisaacson@santafenm.gov, 955-6730)**

Ms. Paez advised that witnesses be sworn for this quasi-judicial item.

**Staff Report**

Director Isaacson explained the purpose of the bill was to add the definition Commissary Kitchen to the Code and amend the use table in SFCC Section 14-6.1-1. This would approve Commissary Kitchens as a permitted use and require a special use permit in a C1 zoning district when located within 200 feet of a residential zone.

He introduced Hilary Kilpatric and Andrea Abedi, who initiated the amendment.

**Constituent Presentation**

Andrea Abedi, 1622 Camino Porvenir and Hilary Kilpatric, 2323 Calle Halcon, were sworn in. They provided a PowerPoint presentation which explained the purpose for a

certified commercial kitchen is a place for food production products for distribution to the public designed for food production and food safety. Food entrepreneurs in Santa Fe lack a facility they can prepare food for resale without going to Taos and Albuquerque. The amendment creates a resource for those wishing to scale, expand and properly start a food business in accordance with Health Department regulations.

Community benefits include job creation, a local supply chain and innovation and entrepreneurship in the Santa Fe Food community. This provides a food exchange where businesses can collaborate and exchange ideas and advice that serves as a link between local farmers and local food entrepreneurs. The kitchen would be used by entrepreneurs who create and sell packaged food products; private chefs; caterers or food truck owners who need a sanitary safe place to prepare and store their food. Farmers would use the kitchen as a centralized location distribution point for their product.

Chair Hiatt asked how the idea came about.

Ms. Kilpatric explained that Andrea is a private chef, caterer and entrepreneur who helps people start businesses. She looks at this as a great incubator. Ms. Abedi added for her it was the need because there is nothing available in Santa Fe.

### **Public Hearing**

Fabian Trujillo, 1157 Vuelta de Las Acequias, was sworn in. He is the president of Las Acequias Neighborhood Association and wholeheartedly supports adding this use to Chapter 14. The Commissary Kitchen has been needed in Santa Fe for years and will create an opportunity for small business entrepreneurs and the food industry, particularly with small entrepreneurs.

Chair Hiatt asked if Mr. Trujillo was speaking as someone who is responsible for economic development for the City.

Mr. Trujillo replied he was speaking personally. In his professional capacity at the Economic Development Office he doesn't have authorization to speak on their behalf. But as a professional that works in economic development and has tried to spur the development of food entrepreneurship in Santa Fe, he would also support this.

Chair Hiatt recognized Mr. Trujillo's expertise.

Ms. Paez indicated there was a phone-in attendee. She explained the process is to use \*9 for those who call in and want to comment.

Chair Hiatt seeing no other speakers closed the public hearing.

## **Commission Discussion**

Commissioner Lawrence asked why only the C1 zoning district is considered in the Code change.

Director Isaacson explained that was how the proposal was brought forward. They could possibly look at other changes as parties are interested in opening a commercial kitchen not in a C1 zone. This makes sense in C1 districts first to see how this works and if needed they can reevaluate.

Commissioner Lawrence said this would be a pilot for where commercial kitchens might be appropriate.

**MOTION:** Commissioner Lawrence moved to recommend approval to the Governing Body. The motion was seconded by Commissioner Clow.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

Chair Hiatt thanked Ms. Kilpatric and Ms. Abedi.

2. **An Ordinance Amending Section 7-1.3 SFCC 1987 Regarding a Schedule of Permit Fees in Code; Creating a New Section 7-1.11 to Establish a Fee Schedule for Services Provided by the Land Use Department; Repealing Section 7-3.3 Regarding the Fee to Move a Building; Amending Subsection 14-3.17(D) Regarding a Schedule for Appeals Fees in Code; Amending Subsection 14-8.2(D)(2) to Allow the Land Use Director to Issue Certain Preliminary Permits at the Owner's Own Risk; Amending Section 14-9.5 to Clarify the Process for Constructing Public and Quasi-Public Improvements Prior to Commencement of Other Aspects of Development; Creating a New Section 14-13 to Establish Fees in Code; Amending Section 14-12.1 to Add a Definition for Site Restoration; and Establishing an Effective Date.** (Mayor Webber) (Eli Isaacson, Land Use Department Director, [esisaacson@santafenm.gov](mailto:esisaacson@santafenm.gov), 955-6830; Jason Kluck, Land Use Department Assistant Director, [jmkluck@santafenm.gov](mailto:jmkluck@santafenm.gov), 955-5937)

## **Staff Report**

Jason Kluck reported the primary objective of the ordinance amendment is to adopt new Sections 7-1.11, 14-13 SFCC to create a comprehensive schedule of all fees assessed by the Land Use Department for services provided to the public. The proposal includes related amendments to section 7-3.3 to remove the fee to move a building;

amendments to section 14-8 to allow the Land Use Director to issue preliminary permits; and amendments to Section 14-9.5 to clarify the process for construction of public and quasi-public improvements or other aspects of development. Lastly, the proposal would add a definition to the subsection for site restoration in 14-12.1 needed for clarification of other aspects of the proposal.

Mr. Kluck noted two major elements are proposed to the ordinance amendment. First, to create a comprehensive fee schedule for Land Use to incorporate into the Code. That would provide clear information and guidelines for estimating planning/permitting costs. Second, to clarify the process for construction of public/quasi-public improvements for public infrastructure. This coincides with the efforts of the Engineering Division to undertake significant revisions to the Infrastructure Completion Policy to clarify the process in general, and specifically clarify the process for multiuse, multifamily commercial projects.

Mr. Kluck stood for questions.

### **Public Hearing**

Mr. Berke explained how someone attending could provide public comment by clicking the raised hand on the computer or if calling in, use \*9. He noted speakers would have two minutes to speak.

There were no commenters. The public hearing was closed.

### **Commission Discussion**

Commissioner Sategna noted a spelling error on page 1, line 17, he thought was meant to be "commencement".

Mr. Kluck confirmed it should read *commencement*.

Commissioner Sategna said his questions were specific to Section 14-8.2, page 15, beginning line 17, definition to standards for Grading, under Drain and Stormwater Management. He asked if this was granting an application or granting a preliminary clearing and grading permit.

Mr. Kluck replied an application for a grading permit. It would allow the applicant to apply for a grading permit that would be reviewed and approved or denied.

Commissioner Garcia asked the overall increase percentage of the impact fees.

Director Isaacson explained they did not increase fees across the board by a percentage and reviewed the ordinance line by line. They analyzed what an appropriate

fee would be based on the amount of time and resources used. Fees were adjusted up or down based on that. There are no impact fees in this fee schedule. Those are governed by a separate section of Code and specific to existing levels of the City and the impact to the areas.

Mr. Kluck referred to the proposed Planning and Land Use Table of Fees highlighted. Generally, permit fees range from 1/2 to 5% of the project amount and the majority of permits are around 1% and will remain the same in the ordinance.

Commissioner Sategna thought the powers of the Land Use Director were being expanded. He asked if they have defined or listed in Chapter 14, what "*under emergency circumstances the Land-Use Director could issue a Grading at Owners Risk Permit prior to the submission of an application.*" He was concerned that there was no limit or definition that would be important in these cases.

Director Isaacson offered scenarios that have occurred in the past. The days following the flooding in July 2018, people needed the ability to grade their property on an emergency basis. That type of scenario is where the emergency at-risk would be issued. An application would still be required, and a permit issued, and the work would still be inspected. This would allow the Land Use Director, in an emergency, to issue a grading permit so work could begin. He didn't think there was a strict definition of what an emergency would be under this provision. He said Ms. Paez could best answer that.

Ms. Paez recalled that a previous draft of the bill included a definition for an emergency grading permit. She offered to look for the previous version and the language could be reincorporated into the Code.

Commissioner Sategna expressed concerns. He recommended an additional definition be provided. Secondly, he wanted to address something similar. The Land Use Department issues grading permits, but this is creating and adding language for a "limited grading permit". He asked if there is a definition for a limited grading permit and when would that permit be issued.

Director Isaacson explained the Department is often asked for early permission when reviewing applications for "clearing and grubbing." It is simply preparing the site for the eventual grading, not altering the terrain. The permit could be issued by the Land-Use Director while the application is pending.

Commissioner Sategna said he is familiar with a grubbing permit. He recommended if a Limited Grading permit has no definition of what it is, they should include that. The difference between the *clearing and grubbing* permit and the *limited grading* permit is not clear. It comes down to the Land Use Director making those decisions on a case-by-case basis without a definition. For the integrity of the modifications there should be a definition.

Chair Hiatt said he would entertain a motion and Commissioner Sategna could include his two recommendations to the City Council.

Ms. Paez clarified language for the motion would be to *recommend the Governing Body approve the ordinance with the additional language.*

**MOTION:** Commissioner Sategna recommended approval of the ordinance to the Governing Body with the additional recommendation that definitions be provided for "Limited Grading permit" and "emergency circumstances" specific to the Land Use Director's ability to issue a Grading at Owner's Risk Permit. The motion was seconded by Commissioner Lawrence.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Garcia, Gutierrez, Lawrence, Sategna and Clow voting in favor and none voting against.

3. **Case #2020-2266. Sangre Azul, Final Subdivision Plat.** Oralynn Guerrerortiz of Design Enginuity, Agent, for Roddy & Sherry Leeder, Owner, request final subdivision plat approval for 23 residential lots on approximately 4.04± acres of vacant land. The property is zoned R-5 (Residential- five dwelling units per acre) and is located at 2670 and 2690 Kates Way. (Donna Wynant, AICP, Case Manager, djwynant@santafenm.gov, 955-6325).

Commissioner Clow recused herself from hearing this case.

### **Staff Report**

Mr. Berke presented the staff report. The request is for plat approval for 23 residential lots zoned R5. The Commission recently heard this case in the preliminary stage on June 4, 2020 and approved the preliminary subdivision with conditions of approval and Findings and Conclusions. The applicant asked at that meeting to use gravel instead of the required base course. The Commission denied the request and required the applicant build to street standards as stipulated in Code. The applicant has fulfilled that request and completed all technical corrections and conditions from the preliminary stage.

Staff recommends approval of the final subdivision. A condition of approval regarding ADA review comments can be addressed at the time of the building permit. The conditions as listed in the packet in Section 2 can be addressed prior to the issuance of a construction permit.

Mr. Berke said staff recommends approval for the final subdivision request with the conditions of approval and technical corrections as stated in the report. He noted that two motions are required, 1) to approve/deny the final subdivision plat and 2) approve/deny Findings of Fact and Conclusions of Law as proposed in Exhibit A2.

He noted Ms. Wynant had joined the meeting now.

Ms. Wynant confirmed the report covered everything. She had nothing to add.

### **Applicant's Presentation**

Oralynn Guerrerortiz, with Design Enginuity 11421 Louisa St., Suite A., was sworn. She said she presented the paved road design at the last meeting and the layout of the project has not changed. They agree to all staff conditions.

### **Public Hearing**

There were no speakers, therefore, Chair Hiatt closed the public hearing.

### **Commission Discussion**

Commissioner Sategna addressed the traffic engineer. He wanted to note serious concerns he had before the Commission voted. The project does not meet criteria # 2, specifically the egress onto South Meadows with the amount of traffic. He asked if that would be remediated. Also, in criteria #2, he would ask if this project is or is not in the best interest of the public's health, safety or welfare.

Mr. John Romero started speaking but was obviously addressing a different matter.

Mr. Berke offered to contact Mr. Romero by phone about the question.

Mr. Berke addressed Commissioner Sategna. He said this final subdivision plat and the preliminary met the criteria that was approved by the Commission. Staff has moved that information into the final and it is consistent with the preliminary information. Nothing has been changed between the two hearings. He indicated it would have been helpful for the Commissioner to voice his concerns at the first hearing. Now they are at the final stage and this has already met the criteria and been approved.

Commissioner Sategna said he appreciated the clarification, but it was discussed and is in the minutes. He just wanted to highlight the concern before the vote. He has not changed his comments and didn't think Mr. Romero had changed his.

Chair Hiatt said as a frequent traveler on that road he also noticed the issue since the preliminary subdivision plat was approved. He has the same concern, but not enough to raise the issue beyond that. He asked Mr. Sategna if he wanted to wait for Mr. Romero's comments.

Commissioner Sategna said no, he was happy to make a motion.

Chair Hiatt recognized Commissioner Garcia first for a comment.

Commissioner Garcia said he has heard a few cases along that roadway, and it requires the City to look closer at the road. There is a school there and other developments will be happening on the road. Something should be done in terms of pedestrian and vehicle safety and the egress and ingress of the developments.

He agreed this has been addressed not only in this case but others as well. He isn't against the development, but the road should be looked at in more detail.

Chair Hiatt recognized Traffic Engineer John Romero. He explained Commissioner Sategna's concern about access to South Meadows. He asked if Mr. Romero wanted to comment.

Mr. Romero explained he had been on the phone with a constituent.

Commissioner Sategna explained he just wanted to make a point before the Commission voted and ask Mr. Romero if he wanted to comment. He believed there to be cause for concern as they continue to approve things in that area. As they continue to approve projects he would question if this is in the interest of the public. He wanted to raise that point and capture his concern in the minutes before the Commission voted.

Mr. Romero asked if Commissioner Sategna had a specific traffic concern, such as the traffic capacity or the ability to turn onto South Meadows.

Commissioner Sategna said both. The capacity and that the access is on a curve of the street and making a left onto that was actually discussed in the preliminary. He thought Mr. Romero had also mentioned there will be a property developed behind this one. There will be potential access from behind this property.

Mr. Romero explained capacity issues are usually at intersections, and sometimes a length of roadway when a two-lane road can no longer suffice. Studies show that South Meadows as a two-lane road can handle the traffic. And the interchange, including the roundabouts at the interchange intersections can handle a lot more traffic. They were designed to do that. The only pinch point is Agua Fria/South Meadows that is at 60% design. They are considering adding turn lanes to mediate that. The model shows that the proposed improvements will manage not only existing traffic, but also the future traffic.

All of the planned developments, both approved and Kate's Way, and all the other properties not formally presented to the City were included. They assumed the density based on the City's and the study shows that the intersection works well.

Mr. Romero said one thing that might happen that would be a positive effect. The building of the apartments could improve traffic. The school districts build their schools in a reactive approach and build new schools when they get to capacity. It is likely once the apartments come in, the number of students will push the district boundary out and some would go to another school district. That would make this population more appropriate for the area. Most of the traffic issues in the area are in the morning because of the school and many of the kids will be walking to school with the apartments so close. That will reduce people driving their children to school.

He said that theory isn't included in the model, but it does include all of the existing traffic plus future traffic going through the intersections. He sees no safety and definitely no capacity issues with the access of Kate's Way onto South Meadows. The City often builds access on curves and has only had an issue when access was on the inside of a curve. It makes it hard to see cars coming around the curve, but there is ample site distance on the outside of the curve. Kate's Way allows you to see down both sides of South Meadows.

**MOTION:** In Case #2020-2266, Sangre Azul, Final Subdivision Plat, Commissioner Sategna moved to approve subject to the conditions of approval and technical corrections recommended by staff, and to approve Findings of Fact and Conclusions of Law as proposed in Exhibit A2. The motion was seconded by Commissioner Lawrence.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

Ms. Guerrerortiz noted they have been working on another entrance to this area for over six months and doing surveys to bring another road into the area. They hope to connect to the frontage road off of South Meadows roundabout.

4. **Case #2020-2273. 4262 Agua Fria Street and 4701 & 4702 Rufina Street Aguafina Rezoning Ordinance Amendment.** Liaison Planning Services, Inc., Agent, for Aguafina Development LLC, Owner, requests an amendment to Ordinance 2013-12 to remove condition #2 requiring Tract C-1 to be developed consistent with R-3 zoning, and modifying condition #3 to remove the requirement for three base-course lot access driveways. The properties are zoned R-5 (Residential- five dwelling units per acre) and R-3 (Residential- three dwelling units per acre) and total approximately

11.47 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

5. **Case #2020-2274. 4701 Rufina Street Aguafina Rezoning.** Liaison Planning Services, Inc., Agent, for Aguafina Development, Owner, requests approval of a rezoning from R-3 (Residential – three dwelling units per acre) to R-5 (Residential – five dwelling units per acre) for a property located at 4701 Rufina Street. The property is approximately 3.44 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).
6. **Case #2020-2287. 4702 Rufina Street Aguafina Rezoning.** Liaison Planning Services, Inc., Agent, for Aguafina Development LLC, Owner, requests approval of a rezoning from R-3 (Residential – three dwelling units per acre) to R-6 (Residential – six dwelling units per acre) for a property located at 4702 Rufina Street. The property is approximately 2.42 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

Commissioner Clow returned to the meeting at 6:56 p.m.

### **Staff Report**

Mr. Logston provided the staff report. Case #2273 has to do with all three properties. This is a rezoning ordinance amendment to remove Condition #2, requiring the tract to be developed R-3 and modify Condition #3 to remove the requirement for the three to have base course access driveways. Case #2274 is a rezoning from R3 to R5 and the Case #2287 is rezoning from R3 to R6.

Mr. Logston showed a brief PowerPoint presentation. He indicated this will be heard as one case but is three different cases.

Background from 2012 was provided. A separate applicant sought rezoning R1 to R5 for 4701/4702 and the Commission recommended R3. The Governing Body reheard the case in 2013, first rejecting it. They reheard the case and approved the rezoning of a 23-lot subdivision and the applicant agreed to conditions of the two Rufina parcels. The conditions restricted how the Agua Fria parcel could be developed, even though not part of the rezoning application.

An overview of the tracts and their locations were shown. The Commission was asked to rezone two lots and change conditions attached to all three parcels, including tract C1. There are three components, to amend the zoning ordinance #2013-12 to remove conditions of approval in the Findings/Conclusions requiring to be developed requiring the three properties to be developed as a 23-lot subdivision on three lot access driveways, and rezoning requests for 4701 and 4702.

The conditions placed on the three properties known as the “applicant’s undertakings” are: The applicant is to submit the request for the subdivision as a single application; to develop the adjacent parcel (Agua Fria parcel) consistent with R3 zoning, notwithstanding it was zoned R5; the applicant would not request to connect Power Line Road as primary or secondary access for the property or for the Agua Fria parcel, but instead propose specifically three base-course lot access driveways, each serving a maximum of 8 lots; and last, the applicant would grant an easement to the Tapias’ home and their successors across to Power Line Road.

The amendment proposed would specifically strike the second condition to develop the Aqua Fria parcel consistent with R3 zoning, and strike through the part that has been struck through on the third condition.

Mr. Logston clarified that this application honors the wishes of the residents to not connect Powerline Road as a road. To make that work they would be striking the second part of Condition #3. The rezone for 4701 is from R3 to R5 to match the density of the north tract C-1 and to allow development at a density that enables paved roads, sidewalks, and site built or stick-built homes. Rezoning for 4702 R3 to R6, to match the density of the future Casa de Todos subdivision and allow density that enables paved roads and a road connection to Casa de Todos.

Chapter 14 does not have specific criteria for an ordinance amendment. The Commission should base their decision roughly on criteria for rezoning. This case is a decision on whether or not a development that has paved roads, instead of a series of private unpaved roads, is better for pedestrian connectivity and overall public interest. He summarized the gist of the Code on rezoning is the land-use - in this case the density - is more advantageous to the public good, is consistent with general plan policies, infrastructure can handle it, and is consistent with surrounding density and land use. The proposal is consistent with surrounding density and would provide public paved roads and sidewalks, and it is consistent with the wishes of Las Acequias residents for site-built homes consistent with their neighborhood.

### **Staff Recommendation**

Staff recommended the Commission recommend the Governing Body approve the amendment and the rezonings. Six motions are required and are included in the staff report.

### **Applicant's Presentation**

Dolores Vigil, PO Box 1835, was sworn. She represents the applicant, Rudy Rodriguez, Sr. who was present. Mr. Rodriguez is the managing partner for Agua Fria Subdivision. She thanked Mr. Logston for doing a good job paraphrasing the case. They have met many times with neighbors and the previous approval had expired. At an ENN

with the neighbors and surrounding properties the applicant proposed a manufactured housing subdivision. The neighbors were adamantly opposed, and the Applicant began to think it would be better to propose stick-built homes. Also, Las Acequia Subdivision residents have enjoyed the open space and the applicant assured them he would incorporate connectivity to the park. Sidewalks will be added, which will be safer than base course roads. And Power Line Road will not be part of this development. The neighbor who uses that road will continue to have access to his property.

Ms. Vigil shared the site plan noting the surrounding area and location of Power Line Road. She gave a general overview of the proposal and tracts: Tract C1 will have a gate at the end of Powerline Road for fire access, a turnaround for solid waste, and landscape on both sides with sidewalks. Tract C2 she hopes to rezone would have a paved roadway with access for fire and a turnaround for solid waste.

She explained the amendments requested are the conditions in 2013 when approved. The conditions were found in the Findings/Conclusions and the previous owner had agreed to develop property to R3 despite that it is zoned R5. That is the reason for the request to remove that condition, including the base course driveways.

Ms. Vigil introduced consultants with her who could help with questions, Karl Sommer, Ms. Guerrerortiz with Design Enginuity and Walker Engineering.

Chair Hiatt confirmed the consultants wanted to wait until after the public hearing to speak.

Mr. Berke reminded the Commission this is a rezoning case and there is no subdivision application submitted or being reviewed currently. The Commission would likely hear a subdivision plat in the future if rezoning is approved. There will be both a preliminary and a final subdivision plat to review.

Mr. Berke provided instructions for those wanting to speak.

### **Public Hearing**

Fabian Trujillo, previously sworn, reminded the Commission that Las Acequias Neighborhood Association has 653 homes and over 3100 residents. He said we are 60% minority community with per capita income about \$35,459 and 26% live below the poverty line.

He noted the Association has been meeting since November 2019 with Ms. Vigil and Liaison Planning. They are happy they have agreed to build stick-built homes. But the neighborhood still has some concerns on the rezoning with regard to traffic. He has made the same comments about all the development around them. The traffic will be spilling into an already failing intersection at Lopez Lane and Rufina. The Association

would like the applicant to be required to provide impact fees if approved for rezoning. The development will add approximately 400 more cars at that intersection.

William Henry Mee, 2073 Camino Samuel Montoya, was sworn in. He stated that he is president of the Agua Fria Village Association. We approved the accessing of Agua Fria Street in 2013 by the eight homes in C1 using a base course road. The request now to allow a paved road with higher density is against our community plan. The traffic of all of the trailer parks and subdivisions along Aqua Fria is limited to Agua Fria. All have locked gates for emergency vehicle purposes only and the Association prefers that. One condition of the 2013 plan was at Power Line Road, to block off the access to Agua Fria Street. The Association does not want a through street from Rufina to Agua Fria.

Chair Hiatt asked Mr. Mee if the property fell within the Village.

Mr. Mee indicated it is not in the traditional community, but the portion of Agua Fria Street is in the traditional store community. It requires a Santa Fe County driveway permit.

Chair Hiatt closed the public hearing.

### **Commission Discussion**

Commissioner Gutierrez asked to see the access to the Tapia property.

Mr. Logston showed the Powerline Road easement and Tapia home. He noted a condition in the rezoning ordinance that access would be preserved, would be included in the preliminary subdivision.

Commissioner Gutierrez asked if the home mostly fell within tract C1.

Mr. Logston replied technically it is its own property, but it is correct that more of it is adjacent to C1 than C2.

Commissioner Gutierrez asked to see the three gravel driveways.

Mr. Logston showed a view of the driveways. He explained the overall plan was to keep the density low and the track was already zoned R5 and allows the proposed number of homes. The base course private driveways with emergency access gates at the ends were shown.

Mr. Logston noted in regard to Mr. Mee's comment, it was never a through road and is not currently proposed as a through drive. It would be paved roads and still have the gates.

Commissioner Gutierrez asked Ms. Vigil if the Applicant had asked the neighborhood for connectivity all the way through to Agua Fria.

Ms. Vigil said it has never been a through road since she has been on the case and that was never discussed. The road has always ended at Power Line with gates or bollards for each lot. That is still the intent.

Commissioner Sategna noted in the previous cases, staff did not support the proposal because of a lack of connectivity, specifically with Power Line Road. He asked Mr. Logston what made this different than the previous recommendation and if he found the connection impractical.

Mr. Logston replied as a planning professional he felt that road connections should be made when possible. In this case, the neighbors were adamant, and it was conditioned as part of the approval of the subdivision. This time around in the early meetings with neighbors, they were clear they do not want the road to connect. He, John Romero, the applicant/owner, the former land-use director and Ms. Vigil reviewed the combined subdivision concepts. They discussed where roads should and should not connect.

He doesn't necessarily agree with the lack of connection as a planning professional but recognizes this is what the neighbors want. The neighbors have already compromised by accepting higher density. Staff was overruled last year in City Council with Dos Acequias. Staff is not recommending the connection now because they have learned when residents really don't want something, City Council will most likely uphold that.

Mr. Logston said the Commission was able to recommend other than what he recommended in his staff report.

Commissioner Sategna appreciated the concerns of the community and consideration of the Governing Body voting in favor of the community's perspective of "not in my backyard". But the Commission is bound by Chapter 14 and 9.2 Street Improvement and Design Standards guidance for approving connectivity. Time and time again there is another case where because of staff's past interactions with the Governing Body or an upset neighborhood association, the City puts up bollards to create an access road where two roads should obviously connect. That access into communities is somehow swept under the rug and he disagreed. He believes they should follow Chapter 14 unless as it states it would be impractical.

He said in this situation, he did not believe it would be impractical to connect these roads or to use what staff stated in 2013; that it makes sense to connect the roads. He could respect that neighboring communities feeling that it is important not to connect, however, the Commission is bound to Chapter 14.

Commissioner Sategna asked Mr. Logston if the conditions being set were originally tied to the Findings/Conclusions and how are they bound, and if the Commission would have opportunity to comment again. He asked if this would be creating conditions when the subdivision comes before the Commission, that prevents them from reconsidering the connection of these roads.

Mr. Logston said he respects Commissioner Sategna's opinion on connectivity. In general, staff recommends that no conditions be placed on the rezoning for the reason they are before the Commission tonight. It creates more process to go back and amend later. The conditions were in the Findings/Conclusions rather than the ordinance was unusual and not how it is done today. He asked that Ms. Paez comment.

Mr. Berke asked before Ms. Paez spoke, to have John Romero talk about future connectivity and why Power Line Road will never be a through road. It was platted as an easement in the 80s.

Ms. Paez indicated when looking at the applicant undertakings one slide shows what the applicant proposes to strike from the previous conditions. Some conditions will remain conditions but attached to the zoning with the properties. The previous applicant had submitted regarding the first condition, a single application encompassing all three tracks. Ms. Vigil plans to do the same.

Chair Hiatt asked Ms. Vigil if that was her intent.

Ms. Vigil confirmed it was her intent.

Ms. Paez stated she didn't believe that precluded a road connection. The second will be eliminated; that the adjacent parcel is rezoned consistent with R3 zoning. The third condition that the applicant would not request to use Power Line Road as primary or secondary access, would remain. She wasn't sure that would dictate what is done with other connections from Rufina to Agua Fria and is just specific to Power Line. That condition is proposed to be retained. That cannot be changed at the subdivision approval stage. The three base course lot access driveways would be eliminated and the easement to the Tapias will remain but doesn't necessarily dictate a road layout.

Mr. Romero, City Traffic Engineer, said a lot of connectivity potential or decisions apply to this subject area. First, the intent of Power Line Road was to be a major east/west connection through the City but was replaced by Rufina. The Power Line alignment was abandoned with that decision. Other connectivity issues Commissioner Sategna brought up are relative regarding the type of connections to neighborhoods and how they are managed within the neighborhood sentiments.

In this case, they felt the pedestrian connectivity was good enough that a formal connection from a traffic standpoint from the development to Power Line Road would not

serve a specific traffic issue. He supports the connection for Dos Acequias as an example because it was different and provided legitimate connections for the neighborhood through the development and vice versa. It also facilitates a potential extension through Montano Road.

Mr. Romero said in this case, he doesn't see a connection to Calle Atajo or the same degree of benefit. There is enough gray area that it wasn't worth pushing it through. Especially when the neighborhood doesn't want it. If they were to make Power Line Road a through connection from Calle Atajo to Cielo Azul, it would provide little benefit. Having a pedestrian connection work and with a proposed development, they are looking at how to extend the pedestrian connection through a trail system that eventually connects the two.

Commissioner Sategna explained he didn't really have a question. He thought Mr. Berke wanted Mr. Romero to comment to his question of whether this condition would be attached to the subdivision when it came for approval.

Commissioner Clow said Commissioner Sategna had asked if the Commission put conditions on this similar to the previous Findings/Conclusions would they be stuck when this is before them as a development plan. Her understanding is that would be yes. If the Commission recommends a condition and the City Council approves, when it returns to the Commission for the development plan, the Commission is bound by those conditions.

Ms. Paez confirmed that was correct. She noted that Karl Sommer, attorney representing the applicant, wanted to speak.

Commissioner Sategna asked if Mr. Sommer was speaking on behalf of the applicant or during public comment.

Chair Hiatt asked to confirm he would speak on behalf of the applicant.

Karl Sommer, PO Box 2476, was sworn in. He confirmed he was speaking on behalf of the Applicant and wanted to address comments of Commissioner Sategna and Mr. Romero on connectivity. His understanding was that Commissioner Sategna was asking about the north/south connectivity to Agua Fria and to Rufina in part, and Mr. Romero was talking about connectivity to Power Line Road.

Mr. Sommer said this property was purchased by Mr. Rodriguez, who is someone doing quality development in town for a very long time. The cost of the infrastructure requires that you get density. A trade off to get that approved at every level with the City is the trade-off on the north-south connection from Agua Fria to Rufina. This is a proposed balance of stick-built homes and paved roads and sidewalks between all of those interests. What was given up in connectivity was traded for increased connectivity for

pedestrians and a more quality living environment. They are sensitive to Code, but connectivity requires the tradeoff to be in the interest of the community and balanced with the ability to develop the property in a manner that would make it affordable for Mr. Rodriguez.

Commissioner Clow asked if it is correct that connectivity is not mandated, it is recommended, and there is flexibility of issues like connectivity for walking and harmony in the neighborhood, etc.

Mr. Berke replied when the condition was made in 2013 the Code wasn't revised for connectivity and different laws were in place. A lot of connectivity goals are stipulated in the General Plan. They looking for consistency with that when opening a rezoning case and the policies that guide it. They now have rules for connectivity, but this today is only a zoning amendment.

Mr. Logston pointed out that the Commission is bound by the previous Council's decision on the ordinance rather than the Code. The ordinance runs with the land and the conditions bind them.

Commissioner Clow said it is also important to note that the issue has not been brought before the Commission and the applicant has not asked for that condition to be changed. It is appropriate when City Council made that a condition and the new issues were brought to the Commission that the issue was not presented to the Commission. It would complicate everything. The Commission does not have standing to do that and it is not before them. She said she read that 20% of the lots will be affordable. She asked if that was correct.

Ms. Vigil answered that was correct; it would be eight lots.

Commissioner Clow asked to confirm that all of the homes would be stick built homes on the three parcels. She was told yes.

Commissioner Sategna said he respectfully disagreed with Commissioner Clow. He thought the Commission's job is to stick their nose into some of these issues. He understood this was not brought to the Commission's attention. And he could appreciate their consideration for the Governing Body and how they make their decisions. But it is the Commission's responsibility to take things into consideration regarding Chapter 14. It is relevant because it is not traditional that conditions are attached to rezonings.

He also disagreed with Mr. Logston that the Commission is bound by previous conditions. Here they are making recommendations to the Governing Body to remove conditions, or alter them, so the Commission does have some say in that. He feels the Commission plays an important role to address Chapter 14 and should be evaluating connectivity and regardless if on merit, it should be considered.

Chair Hiatt said he was struggling whether Commissioners should be talking about the connectivity in a rezoning consideration. He asked Ms. Paez if it is relevant at this point.

Ms. Paez said to the extent that the conditions are in the Findings/Conclusions and adopted in the previous rezoning and speak to connectivity issues and road connections, they are relevant. She didn't see the idea of a north to south connection mentioned, so that was off the table, but comments about Power Line can be considered.

Chair Hiatt said he thought they should talk about Power Line and not about the north to south connection.

Commissioner Sategna clarified that he was addressing Power Line Road. He has concerns about only one path of ingress/egress there. While there is a solution, he was not addressing that.

Commissioner Sategna addressed Mr. Logston's point saying when we are attaching conditions to rezoning, which is not usually done, it creates this mess.

He asked Ms. Paez, given that the criteria the Commission measures in rezoning doesn't necessarily address additional conditions, he was trying to decide if he votes no and provides specifics to the Governing Body, what criterion would the attached conditions fall under.

Ms. Paez wasn't sure how to approach this. It is unusual that the conditions were set forth in the Findings/Conclusions and not attached to the rezoning ordinance. It is very messy to find the Findings/Conclusions approved a rezoning ordinance but didn't address all the parcels that were addressed in the Findings of Fact and Conclusions of Law. She thought that the City's position was those were never challenged. They were issued by the Governing Body in a final action and order by the Governing Body that can only be changed by the Governing Body. The Governing Body has the authority to do that.

She said the Commission could make recommendations to that effect. It doesn't tie into the express conditions of a zoning change. It is more about a piece of legislation and falls more into the category of changing an ordinance on a bill. The Governing Body has separate authority to do that outside the zoning criteria itself.

Commissioner Sategna asked if they should be making a decision or a recommendation on this to begin with. Given this is a position of the Governing Body and not necessarily attached to criteria, the Commission would assess in a rezoning. He suggested rather than a no vote against criteria, he would recommend the Governing Body remove the additional criteria with the intent of upholding Chapter 14 and that criteria.

Commissioner Gutierrez noted that Ms. Paez stated the Commission should only be looking at what's in front of them. But they are charged with looking at the General Plan that includes connectivity. That puts them in the position to look at this with blinders. He asked if he had interpreted that wrong.

Ms. Paez said if she could go back to 2013, she would recommend to the Governing Body not to attach some of the conditions in the Findings/Conclusions in the rezoning stage. They are more appropriate at the subdivision stage and really address more how the City lays out roads. The connectivity issues, are really a subdivision issue. That would be the appropriate time to impose conditions. However, the Governing Body did include some connectivity and subdivision layout conditions in the previous rezoning case when they issued their Findings/Conclusions. Now that those are in there, it is appropriate to address them, but she didn't recommend going beyond that limited scope.

Ms. Paez added they will be looking at the subdivision plat with proposed roads, layout and connectivity issues. There would be nothing wrong to express general observations about connectivity. It would be helpful, but when looking at rezoning they should stick to the road issues and the rezoning conditions and the Findings for 2013.

Commissioner Gutierrez confirmed if connectivity were north to south it should be addressed when the preliminary subdivision comes back to the Commission.

Ms. Paez said that is what she recommends.

Commissioner Gutierrez said he requested the minutes for this case from 2012/2013 and it appeared the mindset and reason tract C1 was mandated to rezoning versus the R5, was because they wanted a softer footprint into the Agua Fria area. He asked what has changed since for them to advocate for the zoning requested.

Mr. Logston replied that was new to him, he had not read that. He understood it to be part of the overall package and that they wanted as few homes as possible on that stretch and the lot access driveway was a way to achieve that. That was a maximum of eight homes. That wasn't the specific impact on Agua Fria, it was the overall impact to the neighborhood and an attempt to keep the density low.

Commissioner Gutierrez explained he read in the Governing Body minutes that C1 went into R3 because they wanted less impact closer to Agua Fria than Rufina. He asked what changed from 2013 to now, that staff recommends approval to R5 or R6.

Mr. Logston said tract C1 has always been zoned R5 and was never part of the original rezone. The Council at the time conditioned it be developed at a lower density as part of the overall package. He clarified that it was stated in earlier public testimony that that section of Agua Fria is County jurisdiction, but it is not. The City map boundary

of Agua Fria Village comes close, but the Village boundary comes over the road across to the north. He respected Mr. Mee's concerns, but it does not require a County permit.

Ms. Vigil asked if Morey Walker could speak about traffic counts based on the new additional lots and R5 zone.

Mr. Berke suggested the Applicant answer Commissioner Gutierrez's question and why the changes are warranted.

Ms. Vigil responded that neighbors now want more connectivity. This road will allow sidewalks and the applicant is providing more of a community. The previous design was just for eight lots with dirt roads that would be unsafe. She has seen this before when people don't approve of base course roads because there are no sidewalks. She has been hearing that since working with the neighborhood. They feel paved roads would be a benefit and also the density helps to create a subdivision with amenities and keeps the dust down. In the previous design, the road was on the side of Las Acequias and against their fences. So, the applicant moved the road to the west side of the lot. Those changes were a result of meetings and studies conducted and the traffic study that also supports the additional lots.

Mr. Sommer said Commissioner Gutierrez's question goes to the criteria for rezoning the two parcels to the south and what has changed in the neighborhood. He thought it was Criteria #2 in Section 14-3.5C(1)(a)(ii). The City has developed this area in such a way that the infrastructure and density has changed. Properties have grown up around this that are different than R3 zoning that dovetails into the third criteria, a category more advantageous to the community. Now R5 zoning is more consistent with the overall area than at the time of the restriction and R3 zoning placed on the two other southern tracts.

Commissioner Gutierrez indicated he had asked Mr. Logston to check on the infrastructure.

Mr. Logston replied Rufina and Agua Fria are serviced with water and sewer. Stan Holland of the City Wastewater Division reviewed the request and approved with minor corrections. The infrastructure could handle this, and the wastewater plans would include to expand the lines in the future if necessary.

Commissioner Gutierrez asked Mr. Romero regarding Mr. Mee's statement if they would have to go through the County for anything on Agua Fria.

Mr. Romero replied that Agua Fria is checkerboarded in this area because of the County annexation. He wasn't sure where it stood.

Commissioner Gutierrez offered to look it up on the GIS map.

Chair Hiatt asked Commissioner Gutierrez why the Commission would care if the County is going to be involved, at this juncture.

Commissioner Gutierrez replied if this returns in the future, so he would know the answer.

Commissioner Sategna addressed Ms. Paez. These seem best positioned when the approval for the subdivision comes to the Commission, rather than trying to make recommendations for the approval of some conditions versus others. He asked if he could make a motion to recommend that the Governing Body remove all the conditions of approval with the intent to be addressed later by staff and the applicant during the subdivision approval. The Commission could then readdress the conditions at that level instead of attaching them to the rezoning ordinance.

Commissioner Sategna said if they were to do that, the zoning ordinance is already R5 and the Commission could still recommend approval to the Governing Body for the rezoning of the other two requests.

Ms. Paez replied that would be an appropriate motion and recommendation. There is no guarantee that the Governing Body would go that far because they are also aware their opportunity for more input on this is only at the zoning level. The subdivision will come back to the Commission for approval and not go to the Governing Body unless appealed. An option could be to remove the two conditions that speak to road connectivity and all of condition #3, and the base course driveways. The Commission's recommendation could be more nuanced.

Director Isaacson suggested rather than striking all of the conditions, possibly striking all of condition #3. That would speak to some of the concerns expressed and leave the question to the subdivision plat process, where those issues are more appropriately addressed.

Commissioner Clow agreed they should keep the first condition that all three properties come together as one development. She also would not change the easement access with the homeowner and agreed striking condition #3 would be good.

**MOTION:** In Case #2020-2273, 4262 Agua Fria Street and 4701 & 4702 Rufina Street, Commissioner Clow moved to recommend the Governing Body approve the amendments to the Findings of Fact and Conclusions of Law, Item 13-0191, striking condition #2 and to strike condition #3 in its entirety. Commissioner Sategna seconded the motion.

Commissioner Sategna said he would have appreciated since he made the suggestion, to make the motion but it is okay. He is aligned with

Commissioner Clow. He wanted to comment, however, that while he raised the issue of condition #3, he was concerned about the integrity of how the Commission handles the cases in the future. He respects the position of the Governing Body on controversial cases like this when communities are fighting connectivity and maintaining the integrity of Chapter 14. And how they deal with rezoning that has conditions attached to it, where traditionally that is not how this would take place.

Commissioner Sategna said he seconds Commissioner Clow's motion but wants to look at how to better address this in the future with the applicant and the community, so they are not passing along conditions going forward to the Governing Body. He suggested in the future considering removing conditions so they are pushed down to the subdivision review where they should be considered.

Chair Hiatt agreed it was a good point. He apologized for missing Commissioner Sategna for the motion.

Commissioner Gutierrez asked that condition #3 be shown on the screen.

Commissioner Clow restated the motion. Commissioner Sategna agreed that was his understanding of the motion. He still seconds the motion.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

Chair Hiatt asked Ms. Paez if the Commission will have to make major changes in the Findings.

Ms. Paez thought major changes wouldn't be needed but they do need to add the nuance. She suggested it might be cleanest to resubmit those at the next hearing.

Chair Hiatt said unless there are objections, they could postpone the Findings of Fact and Conclusions of Law.

Commissioner Sategna objected. He asked to work the Findings out now so the applicant wouldn't have to wait another month. He preferred taking care of it unless Ms. Paez objected that doing so would be too difficult.

**MOTION:** In Case #2020-2273, 4262 Agua Fria Street and 4701 & 4702 Rufina Street, Exhibit A1, Commissioner Clow moved approval of Findings of Fact and Conclusions of Law with the amendment that the condition of approval in

the Findings of Fact and Conclusions of Law, Condition #3, be stricken in its entirety. Commissioner Sategna seconded the motion.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

**MOTION:** In Case #2020-2274, 4701 Rufina Street Aguafina Rezoning, Commissioner Clow moved to recommend to the Governing Body to approve rezoning from R3 to R5. The motion was seconded by Commissioner Sategna.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

**MOTION:** In #2020-2274, 4701 Rufina Street Aguafina Rezoning Findings of Fact and Conclusions of Law, Commissioner Clow moved to approve as found in Exhibit A2. Commissioner Sategna seconded the motion.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

**MOTION:** In Case #2020-2287, 4702 Rufina Street Aguafina Rezoning, Commissioner Clow moved to recommend to the Governing Body to approve rezoning the property from R3 to R6. The motion was seconded by Commissioner Sategna.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

Ms. Paez pointed out the zoning is from R3 to R6 not R5.

Commissioners Clow and Sategna both agreed and changed the motion to reflect rezoning to R6.

**REVOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

**MOTION:** In Case #2020-2287, 4702 Rufina Street Aguafina Rezoning Findings of Fact and Conclusions of Law, Commissioner Clow moved to recommend

approval to the Governing Body. Commissioner Sategna seconded the motion. He noted an error of an additional 7 and agrees this is Case #2287.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna (with comment) voting in favor and none voting against.

Commissioner Sategna commented that he appreciated all of the work done by staff and the applicant to bring this forward, and the involvement of the community on the issue.

Chair Hiatt agreed and added his appreciation. He addressed Ms. Vigil and said this is complicated. He appreciated both she and the applicant /owners and staff and all those who have worked on this. And he appreciated everyone's comments.

Chair Hiatt said this is been approved and will move forward with the Commission's recommendations. He agreed with Commissioner Sategna it would be better if they had an easier way to do this. He thanked them for their comments.

Mr. Logston noted the property owner wanted to comment.

Mr. Rudy F. Rodriguez, applicant, 701 Los Lovatos, was sworn in. He said he appreciated all the work that went into this and thanked Ms. Vigil, Mr. Sommer and everyone involved.

Chair Hiatt thanked him for this project.

## **H. STAFF COMMUNICATIONS**

Director Isaacson apologized for his camera being off during the majority of the meeting. He explained he had Internet issues and trouble hearing.

Mr. Berke informed the Commission the first meeting in September was canceled and an email was sent to everyone. The second meeting in September has not been canceled but he and Director Isaacson need to discuss whether to have it. A text amendment might be presented at that meeting if they get it together, otherwise, September appears to have no cases. The text amendments should be quick if there is a second meeting. October will be very busy with big and controversial cases, two of which are Board of Adjustment cases. The Board of Adjustment has yet to meet in the virtual format. There will probably be two meetings in October. Also, everyone should have received the DRT contact list of key staff.

Chair Hiatt said he would have to recuse himself for one of those cases. That raises the question if there is any information on the appointment of a 9<sup>th</sup> member.

Director Isaacson replied he is in the process of working with the Mayor and City Manager to discuss appointments to Land Use boards. They will communicate this week on that.

Chair Hiatt reminded him to open the slot for a Citywide appointment.

**I. MATTERS FROM THE COMMISSION**

Commissioner Sategna said he also may have to recuse himself from an upcoming case in September or October.

Mr. Berke told Commissioner Sategna that case did not get turned in and wouldn't be heard in September or October.

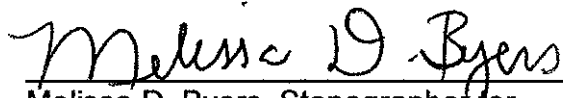
Commissioner Lawrence said she was surprised to receive a paper packet, electronic is fine. She asked what the plan was going forward.

Mr. Berke said it would be helpful to let him know again who preferred paper. Commissioners Sategna, Garcia, Lawrence and Gutierrez were okay with digital and Commissioners Clow and Hiatt both wanted paper.

**J. ADJOURNMENT**

Chair Hiatt adjourned the meeting at 8:40 pm.

Submitted by:



Melissa D. Byers, Stenographer for  
Byers Organizational Support Services

Approved by:

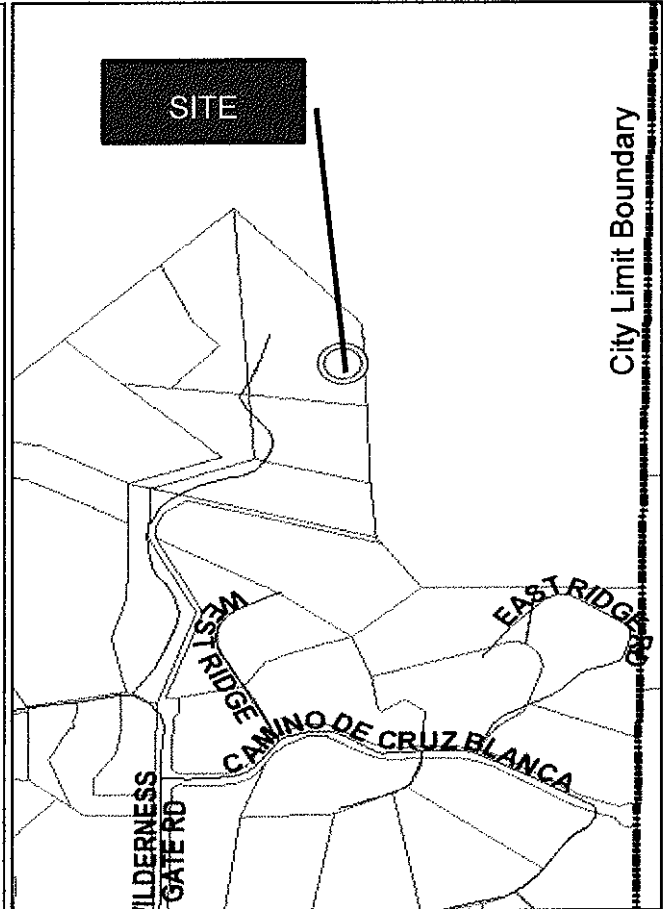
---

John B. Hiatt, Chair



# Land Use Department Planning Commission Staff Report

**Case No's:** 20-2499 & 20-2592  
**Hearing Date:** October 1, 2020  
**Applicant:** James Siebert and Associates, Inc.  
**Request:** Variances.  
**Location:** 1623 Camino De Cruz Blanca  
**Case Mgr.:** Daniel A. Esquibel  
**Zoning:** R-1(Residential No City Utilities - 0.4 Dwellings per Acre with net lot area of 2.5 acres per single family dwellings)  
**Overlay:** Suburban Archaeological Review District  
**Pre-App. Mtg.:** October 24, 2019  
**ENN Mtg.:** August 04, 2020  
**Proposal:** Two variances: 1.) Subsection 14-7.2(B)(5) for calculation of dwellings within the Mountainous and Difficult Terrain (to eliminate the 0.75 reduction in density from the calculation of density); 2.) Table 14-7.2(1) "Design Criteria for Street Types" (to allow 9 dwelling units on a Lot Access Driveway).



**Case #2020-2499. 1623 Camino De Cruz Blanca Variance to 14-7.2(B)(5).** James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variance to Subsection 14-7.2(B)(5) for calculation of dwellings within the Mountainous And Difficult Terrain (to eliminate the 0.75 reduction in density from the calculation of density). The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities – 0.4 Dwellings per acre with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain.

**Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).** James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variance to [14-7.2(B)(5)] Table 14-9.2-(1) "Design Criteria for Street Types" to allow 9 dwelling units on a Lot Access Driveway. The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities - 0.4 Dwellings per acre

with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain.

## I. RECOMMENDATION

The Land Use Department recommends **DENIAL** of Case #2020-2499 "1623 Camino de Cruz Blanca Variance to 14-7.2(B)(5)", and **DENIAL** of Case #2020-2592. "1623 Camino de Cruz Blanca Variance to Table 14-7.2(1)".

Three motions will be required in the following order:

1. Approve or deny Case #2020-2499. 1623 Camino de Cruz Blanca Variance to 14-7.2(B)(5), subject to technical corrections of approval (Exhibit A).
2. Approve or deny Case #2020-2592. 1623 Camino de Cruz Blanca Variance to Table 14-7.2(1).
3. Approve or deny Findings of Fact and Conclusions of Law for Case #2020-2499 and Case #2020-2592. 1623 Camino de Cruz Blanca Variances presented in Exhibit B.

## II. EXECUTIVE SUMMARY

The proposal consists of two variances:

1. SFCC Subsection 14-7.2(B)(5), for calculation of dwellings within the Mountainous and Difficult Terrain (to eliminate the 0.75 reductions in density from the calculation of density);
2. SFCC Table 14-9.2-(1) "Design Criteria for Street Types" (to allow nine dwelling units on a Lot Access Driveway).

Both variances are being sought to support the approval of a future lot split at 1623 Camino Cruz Blanca.

The Applicant has complied with Subsections 14-3.1(E) "Pre-Application Conferences", 14-3.1(F) "Early Neighborhood Notification Procedures" and 14-3.1(H) "Notice Requirements".

Staff's analysis finds that the Applicant has **not** satisfied Subsection 14-3.7(C) "Approval Criteria", for the proposed variances requested for **Case #2020-2499** and **Case # 2020-2592** recommends denial of both cases.

## III. BACKGROUND

The property is located at 1623 Camino de Cruz Blanca. The Tract of land was created as part of a 5-lot subdivision in 1977 entitled "*Lands of J.W. Schlepps, L. Tomas A. Walpole & P. Pinnell, Jr. Ward No. One*" (Subdivision) and is identified as Tract Four, containing approximately 5.63 acres. The City did not approve the Subdivision. However, the adjacent property to the south received city approval in 1984, for a lot split, the adjacent east property received City approved in 1996 for a consolidation/lot line adjustment, and north and east property lines of Tract 4 are bounded City property.

Tract 4 of the Subdivision today is considered a legal lot of record by adjacent lands legal status and shared property lines. This type of lot is identified as a legal lot of record by exclusion.

The property zoned R-1(Residential – one dwelling Unit per acre) is identified on the Mountainous and Difficult Terrain's official mapped area.

**IV. EXISTING CONDITIONS**

The property currently is developed with once single-family dwelling, wood deck and solar panels. The surrounding lands:

**Table 1 Adjacent Properties**

Direction	Property Address	Zoning
North	N/A (City Land)	R-1 (Residential – One Dwelling unit per acre if connected to City utilities)
East	N/A (City Land)	
South	1627 Camino De Cruz Blanca	
West	1674 Camino De Cruz Blanca	

**ACCESS**

The property is accessed from Camino De Cruz Blanca, a private road (GIS measurements identify approximately a 25' wide driving surface). Off of Camino de Cruz Blanca, the property is accessed by a private ingress/egress easement width is platted as 50 feet. There are eight homes currently using this driveway easement. The Applicant states that the road providing access to the property is between 13 to 15 feet wide. The Applicant states that the north offshoot road is maintained, and adding an additional dwelling has little impact.

The following information was derived from the City's GIS Division and Applicants submittals regarding Camino De Cruz Blanca:

- Camino De Cruz Blanca extends off Camino Cabra (City Road).
- Camino De Cruz Blanca is a private paved road approximately 40 feet in width connecting to Wilderness Gate (derived from the City's Arch GIS Division).
- There is an offshoot of Camino De Cruz Blanca that extends north to the subject property.
- The Applicant states that the access road varies in width from approximately 13 feet to 15 feet (north offshoot). The 1977 plat referenced in Exhibit G, identifies that the access road to the property is a 50' wide access easement (north offshoot).
- From Camino Cabra to the Camino De Cruz Blanca north offshoot, Camino De Cruz Blanca serves approximately 30 dwellings.
- The north offshoot (to the subject property) of Camino De Cruz Blanca serves 8 dwellings.

**FIRE ACCESS**

The City Fire Department provided standard conditions, should the Planning Commission approve Cases No. 20-2499 and 20-2592. These conditions are listed both in Exhibit A "Technical Correction" and Exhibit C "DRT Comments".

**TERRAIN MANAGEMENT**

This area of Camino de Cruz Blanca is primarily hilly and semi-rural in character. Mature tree covering and sloping terrain blanket the area. There are a series of natural drainage-ways that traverse the properties. The primary reason that this property is mapped in the Mountainous and Difficult Terrain is due to the fact that much of the property has natural slopes of greater than 20%.

The Applicant provided topographic information with the site plan. The Applicant's slope analysis identifies meeting the definition of the Mountainous and Difficult Terrain. The Applicant contends that the mountainous and difficult terrain is not listed as a district on the official zoning map or as an overlay district within Section 14-5 "Overlay Districts" and is eligible for a variance.

## UTILITIES

City water is located in the main Camino De Cruse Blanca Road, approximately 1,500 feet away. City sewer is not available. Water and sewer is provided by well and septic systems.

## V. ZONING ANALYSIS

The Mountainous and Difficult Terrain is defined as:

*"Any parcel or portion of a parcel that lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent."*

Subsection 14-7.2(B) "Calculations of Allowable Dwelling Units" (Exhibit F) explains how the City calculates density( the number of dwelling units on a property) or how many lots can be created from a single piece of land within a zoned district.

### Calculating Density<sup>1</sup>

The following explains the formula following Table 2 of this report.

- $a$  = Acreage taken to two decimal places by a surveyor.
- $f$  = Flood way acres.
- $d$  = See Table 1 "Zoning Calculation value"
- $m$  = Mountainous and Difficult Terrain value (.75).

---

<sup>1</sup>14-7.2(B)(6):

[I]f the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in Subsections 14-7.2(B)(7) or (8). This is the allowable number of dwelling units for the site;

14-7.2(B)(7):

[I]f the calculation is for a family transfer subdivision as set forth in Subsection 14-3.7(F)(2)(b) and the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more;

14-7.2(B)(8):

[I]f the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more; provided that the additional unit resulting from the rounding up meets the requirements of Santa Fe Homes Program (SFHP) set forth in Section 26-1 SFCC 1987 (Santa Fe Homes Program) or is a low-priced dwelling unit meeting the requirements set forth in Section 26-2.3 SFCC 1987 (Requirements for Low-Priced Dwelling Units).

**Table 2 Zoning Calculation Value**

Status	Calculation Value
If both City Utilities (water and sewer) is available.	Zoning Density value (R1 = 1, R2 = 2 etc.)
If one City Utility (water or sewer) is available.	1 dwelling unit per acre (TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts [Note 15]).
If no City Utilities are available.	0.4 dwelling units per acre (TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts [Note 15]).

$$Density = ((a - f) \times d) \times m$$

The density calculation for 1623 Camino De Cruz Blanca allows for one dwelling on the property:

$$1.69 = ((5.63 - 0) \times .4) \times 0.75$$

Table 14-9.2-1 "Design Criteria for Street Types" (reference Exhibit F) establishes road construction and design corresponding to the number of dwellings accessed off the road.

**Table 3 Street Types**

	Lane	Lot Access Driveway
Dwelling Units	0-300	0-8
Minimum Right-Of-Way width	38' or 42'	Minimum,
Width of Driving Lane	Two 9' wide lanes	One 10' lane

**VI. VARIANCE APPROVAL CRITERIA** The variance process balances reasonable use of the Applicant's property against compliance with the letter and intent of adopted regulations. The proposal must be consistent with at least one of the circumstances listed in Criteria 1a through 1d, and must be consistent with all of Criteria 2 through 5.

**Table 4 Variance Approval Criteria– Subsection 14-3.16(C) (Case #20-2499)**

<p><b>Criterion 1: Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies:</b></p> <p><b>(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or</b></p> <p><b>(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or</b></p> <p><b>(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1.7; or</b></p> <p><b>(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).</b></p>	<p><b>Criterion Met: (YES/NO) NO</b></p>
---	--

The Applicant's response states that:

- *"Mr. Walpole bought the subject lot in 1977. The ordinance adopting the standards for "Difficult and Mountainous Terrain" were not adopted until 1987. Mr. Walpole had the right to split his lot allowing for two lots on the 5.6-acre parcel. The proof of ownership is provided by warranty deed and plat in Exhibit A-1."*
- *"There is the issue of the cumulative impact of the .75 reduction on lots with no city water and city sewer where the minimum lot size is 2.5 acres."*

Staff's Analysis:

Regarding the first bullet point above:

The variance standards are not a mechanism to abrogate or annul City Ordinances because changes to city regulations affected lost opportunities. City Ordinances are designed to address minimum standards to the public health, safety, and welfare of the general public and address the public interest. Cumulative regulations that restrict development intended to protect the public interest does not constitute a special circumstance.

Regarding the second bullet point above:

The Applicant's second response takes issue to the cumulative impacts. The Applicant identifies that Chapter 14 requirements prohibit the Applicant's ability to meet density to divide the property. However, the code changes that adjust the density to require City utilities are to regulate housing impacts and reduce density, where City sewer and water are not available. Additionally, regulation exists decreasing density in the Mountainous and Difficult Terrain. Increasing density, where City utilities are not available in severe terrain, jeopardizes groundwater, and impacts drainage. Ordinance regulations related to zoning density do not constitute a special circumstance to use as a variance.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(1).

**Criterion 2:**

**The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.**

**Criterion Met:**

**(YES/NO)  
NO**

The Applicant's response states that:

*"There are 5 lots in the same area served by Camino Cruz Blanc that are less than the lot size of 3.3 acres, all of which are not served by city water or city sewer. Mr. Walpole is seeking approval of what has either been allowed by the city or lots that existed prior to the adoption of the area of Difficult and Mountainous Terrain."*

Staff's Analysis:

Applications to develop property approved by the City under prior code regulations were vetted at that time. There are no ordinance provisions that allow new development applications to be retroactively processed using previous Ordinance rules. The Applicant's explanation for this Criterion did not address why it is infeasible to develop the property *"in compliance with the standards"*.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion and that it is feasible to build on the property without a variance.

**Criterion 3: The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14**

**Criterion Met:  
(YES/NO)  
NO**

The Applicant's response states that:

*"There are other lots in close proximity to Mr. Walpole that are equal or lesser in size to the lots proposed by Mr. Walpole. The area of Difficult and Mountainous Terrain is not a zoning district nor an overlay district. It is clear that the minimum lot size from a zoning standpoint per Table 14-7.2-1 is one dwelling per 2.5 acres. Mr. Walpole can comply with that requirement since he has 5.6 acres of land and can divide them in such a way that each is a minimum of 2.5 acres."*

Staff's Analysis:

The intensity of development for the property is increased by one dwelling unit. Under today's regulations, it would not be allowed on any other Tract of land, given the same or less acreage, in the same area, and under the same conditions. The legal status of properties in the vicinity of the subject site is unknown or approved through the City process. The Applicant's explanation for criterion 14-3.6(C)(3) increases the intensity of development on the subject property that is not allowed on other properties in the vicinity, under the same conditions and city code criterion.

Staff's analysis identifies that the variance criterion required by 14-3.6(C)(3) is not applicable.

<p><b>Criterion 4:</b>  <b>The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:</b>  <b>(a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and</b>    <b>(b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.</b></p>	<p><b>Criterion Met:</b>  <b>(YES/NO)</b>  <b>NO</b></p>
---	--

The Applicant's response to "4a" states that:

*"Mr. Walpole currently has his residence on the 5.6-acre lot. A lesser intensity without a variance would mean that he is unable to create another lot putting Mr. Walpole at a disadvantage to other lots created in the area that are less the 3.3 acres required by the City."*

The Applicant's response to "4b" states that:

*"The general plan promotes infill within the urban area. The proposed lot split is in conformance with the mandatory density of 2.5 acres but short of the additional reduction in lot size created by the cumulative impact of imposing the dimensional standard of the area of Difficult and Mountainous Terrain."*

Staff's Analysis (4a):

Reasonable use is not defined in Chapter 14, but it can be deduced that the zoning regulations in place are deemed to allow for reasonable use of ones property as they are passed by the Governing Body. The criterion requires the Planning Commission to find that the proposed *"variance is the minimum variance that will make possible the reasonable use of the land or structure"* using the factors of "4a" and "4b". While the property could be used for a different category of use (i.e. open space), this alternative would not be impractical. The proposed variance is a request to abrogate or annul the Mountainous and Difficult Terrain from the density calculation.

Staff's Analysis (4b):

The calculations which establish density directly affect health, safety, welfare, land use, and development, to protect the public interest. Density, access, safety, terrain management, water, and sewer are parts of the General Plan by which the standards in the Land Development Code are derived. It is not uncommon to comply with the minimum lot size requirements to divide property, and still not be able to divide property or add a second dwelling.

An example is an R-1 district. Table 14-7.2-1: *"Table of Dimensional Standards for Residential Districts"* regulates density in an R-1 district to 1 dwelling per acre. A one-acre lot is 43,560 square feet. Table 14-7.2-1 also regulates minimum lot size allowing a 4,000 square foot lot. The density restriction of the R-1 district prohibits the development of more than one dwelling unit per acre, which prohibits the creations of additional lots that increase the density beyond one dwelling per acre. Therefore, Chapter 14 would prohibit ten dwelling units or 10 (4000 square foot lots) on a one-acre lot in an R-1 district. When calculating density, Subsection 14-7.2(B) *"Calculations of Allowable Dwelling Units"* includes additional factors within the formula for calculating density in residential districts.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion.

**Criterion 5: The variance is not contrary to the public interest;**

**Criterion Met:  
(YES/NO)  
NO**

The Applicant's response states that

*"At the Early Neighborhood Notice meeting the majority of owners of lots served by Camino Cruz Blanca attended the virtual meeting. All owners attending the virtual meeting were in support of the variance for the lot split. There is no impact to the broader public since any additional construction on the property would have limited visibility from outside the immediate area of the properties served from Camino Cruz Blanca."*

Staff's Analysis:

Although public interest is not defined, the public interest has been deemed the zoning regulations created and passed by the Governing Body. The public interest is much broader than the benefit obtained by an individual or the support or opposition from an Early Neighborhood Notification meeting. The granting of the variance may conflict with the overall public interest when the variance has the effect of abrogating or annulling the purpose and intent of the regulations designed to protect the public interest, which meets the minimum standards for health, safety, and welfare. The requested variance is a request to eliminate a standard designed to prevent an increase in density where there is no city water or sewer and *"where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent."* A variance which affects to abrogate or annul the standards is contrary to the public interest. The granting of a variance is not in conjunction with the public interest.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion.

**Table 5 Variance Approval Criteria– Subsection 14-3.16(C) (Case No. 20-2592)**

<p><b>Criterion 1: Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies:</b></p> <p><b>(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or</b></p> <p><b>(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or</b></p> <p><b>(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1.7; or</b></p> <p><b>(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).</b></p>	<p><b>Criterion Met: (YES/NO) NO</b></p>
---	--

The Applicant's response states that:

- *“Camino Cruz Blanca has existed since 1970 's. It is a narrow road due principally to the rocky nature of the area and the desire to disturb no more than was necessary to protect the natural vegetation of the area. The city has recognized these lots as legal lots of record by the authorization of building permits. The developed road width varies from 13-15 feet. There were few standards at the time that the lots were created, and the private road was constructed. Section 14-9.2-1 of the City Code does allow up to eight homes on a roadway of this width. Discussions with the Fire Marshal have indicated that a ninth home served by this road would be acceptable. The final decision on this matter awaits the Fire Marshal review. Under the International Fire Code, the Fire Marshal has the discretion to allow homes on a roadway of less than 20 feet.”*

**Staff's Analysis:**

New developments are required to ameliorate impacts and remedy existing deficiencies to meet the minimum standards for health, safety, and welfare. The Applicant is requesting this variance for a future proposed land division. Chapter 14 design standards for a road, providing access to nine dwelling units, require constructing a lane. The existing road is built, within a 50' wide access easement, as shown on a plat of survey (Exhibit G). The special circumstances presented by the Applicant is the age of the easement, driving surface, rocky nature of the area, and a desire to preserve existing vegetation. While natural topography can qualify as a special circumstance for Criterion 14-3.6(C)(1)(a), there were not any submittals to establish that the road cannot be developed in compliance with Chapter 14. Neither the age of the easement, driving surface, or the desire to preserve the existing vegetation addresses the criterion as a special circumstance that distinguishes the land or structure from others in the vicinity.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(1).

**Criterion 2:**

**The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.**

**Criterion Met:**

(YES/  
NO)  
NO

The Applicant's response states that:

*"The road cross section for 9 lots would be a 42-foot easement or right-of way with two travel lanes of 9 feet, curb and gutter on each side of two feet, a 5-foot planter strip and a 5-foot sidewalk. The Planning Commission is granted the discretion by the City Code to allow for other types of road based the local circumstance. "The arrangement of streets in a development shall: (b) "conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area."*

Staff's Analysis:

The Criterion of 14-3.6(C)(2), requiring a finding where a *"special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14."* The Applicant states that the Planning Commission has the discretion and the neighborhood covenants establish a neighborhood plan. Nothing within the Applicant explanation for Criterion of 14-3.6(C)(2) addresses why it is infeasible to develop the property in compliance with the standards.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(2).

**Criterion 3: The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14**

**Criterion Met:  
(YES/NO)  
NO**

The Applicant's response states that:

*"Other properties in the area are already smaller is size than what is proposed by Mr. Walpole."*

Staff's Analysis:

The Applicant did not address the criterion relative to the variance request. The request is to add an additional dwelling to a local access drive that would otherwise require an upgrade to a lane. The size of other properties in the area does not address the development's intensity on the road or the area or why the standard should be waived or varied. The request is to increase the dwelling threshold standards associated with a lot access drive. The request ultimately eliminates an upgrade to a lane standard by increasing the number of dwellings on a lot access drive. Under today's regulations, decreasing road standards baring variances with special circumstances would not be allowed under the same conditions. The legal status of other properties in the vicinity is unknown or was approved under city review at the time of approval. The Applicant's explanation for criterion 14-3.6(C)(3) compares the lot sizes of other properties relative to the applicants but does not discuss the intensity of development relative to the road.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(3).

<p><b>Criterion 4:</b>  <b>The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:</b>  <b>(a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and</b>  <b>(b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.</b></p>	<p><b>Criterion Met:</b>  <b>(YES/NO)</b>  <b>NO</b></p>
<p>The Applicant's response to "4a" states that:  <i>"The property can remain in its current state but there is a certain injustice created by the fact that other subdivisions have taken place where lots are smaller than proposed by Mr. Walton."</i></p> <p>The Applicant's response to "4b" states that:  <i>"The Planning Commission is granted the authority by Code to allow for roads that are more representative of the development pattern in the existing neighborhood. This is certainly the case where this private road has existed since the 1970 's. The general plan does state that the character of the surrounding neighborhood should be recognized when considering new development."</i></p> <p>Staff's Analysis (4a):  Reasonable use is not defined in Chapter 14, but it can be deduced that the zoning regulations in place are deemed to allow for reasonable use of one's property. The criterion requires the Planning Commission to find that the proposed "<i>variance is the minimum variance that will make possible the reasonable use of the land or structure</i>" using the factors of "4a" and "4b". While the land could be used for a different category of use or lesser intensity of use (i.e., open space), this alternative would not be practical since it is developed for residential access. The Applicant did not address the criteria discussing a variance to road standards, but a comparison to other properties relative to the Applicant's property.</p> <p>Staff's Analysis (4b):  The Applicant did not address the criterion. The authority of the Planning Commission is regulated by the findings established within the parameters of Chapter 14. Nothing within the variance criteria provides for arbitrary decisions. The General Plan is a Resolution and supports Chapter 14 "Land Development Code." The Standards of Chapter 14 are designed to mitigate impacts to the surrounding area for project development in existing and new neighborhoods. The Applicant's statement does not address 14-3.6(C)(4)(b).</p> <p>Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(4).</p>	

<b>Criterion 5: The variance is not contrary to the public interest;</b>	<b>Criterion Met: (YES/NO) NO</b>
<p>The Applicant's response states that  <i>"At the ENN the neighbors and residents of the larger subdivision were universally in support of the lot split. There is no adverse impact on the large interpretation of public interest."</i></p> <p>Staff's Analysis:  Although public interest is not defined, the public interest has been deemed the regulations created and passed by the Governing Body. The public interest is much broader than the benefit obtained by an individual or the support or opposition from an Early Neighborhood Notification meeting. The granting of the variance may conflict with the overall public interest when the variance is inconsistent with findings required to grant a variance. The granting of a variance must be consistent with at least one of the circumstances listed in Criteria 1a through 1d and must be consistent with all of Criteria 2 through 5. The Applicant did not establish the necessary findings that warrant an easing or variance. The granting of a variance is not in conjunction with the public interest. Rather, only the recipient of the variance is benefitted.</p> <p>Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(5).</p>	

**VII. EARLY NEIGHBORHOOD NOTIFICATION**

The Applicant conducted a virtual ENN meeting using "Zoom" on August 04, 2020 at 5:30. Several members of the public were in attendance. There no concerns raised by attendees.

**VIII. EXPIRATION**

The expiration date for a variance is listed in Subsection 14-3.19(B) "*Expiration of Development Approvals*". Variances shall expire three years after final action unless actual development of the site or offsite improvements has begun and is continued pursuant to Subsection 14-3.19(B)(6)."

Should the Planning Commission approve the variances and adopt all the Findings of Fact and Conclusions of Law, the expiration date would be October 1, 2023.

**IX. EXHIBITS:**

EXHIBIT A: Technical Conditions

EXHIBIT B: Findings of Fact and Conclusions of Law

EXHIBIT C: Development Review Team (DRT)

- 1) City Subdivision Engineer (Terrain Management), Dee Beingessner
- 2) Fire Department, Geronimo Griego
- 3) Traffic Division, John Romero

EXHIBIT D: Early Neighborhood Notification

- 1) Guidelines
- 2) ENN Notes

EXHIBIT E: Maps and Photos

- 1) Current Zoning Map
- 2) Aerial Photo

EXHIBIT F: Code Material

- 1) Subsection 14-7.2(B) *“Calculations of Allowable Dwelling Units*
- 2) Table 14-9.2-1 *“Design Criteria for Street Types”*

EXHIBIT G: Applicant Material

- 1) Application
- 2) 1977 plat

APPROVED AS TO FORM:

<b>Title</b>	<b>Name</b>	<b>Initials</b>
Planning and Land Use Director	Elias Isaacson, AICP	ESI
Land Use Planner Manager	Noah Berke, AICP, CFM	NLB
Land Use Planner Senior	Dan Esquibel	DAE

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **A**

Technical Corrections

EXHIBIT A  
 Technical Corrections  
 Case #2020-2499 and 2020-2597  
 1623 Camino De Cruz Blanca Variances

	Technical Corrections of approval	Department	To be completed by:
1	Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1)	<b>Fire Division</b>	At the time of any new construction or remodel.
2	Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)		
3	Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.		
4	Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1)		
5	507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.		
6	Shall have water supply that meets fire flow requirements as per IFC (Appendix B)		
7	Shall comply with Section D102.1 Access and Loading (75,000 lbs).		
8	Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)		
9	Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates.		
10	Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads.		
11	Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.		

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **B**

Findings of Fact and Conclusions of Law

**City of Santa Fe  
Planning Commission  
Findings of Fact and Conclusions of Law**

**Case #2020-2499**

**1623 Camino de Cruz Blanca; Variance to SFCC Section 14-7.2(B)(5) (density)**

**Case #2020-2592**

**1623 Camino de Cruz Blanca; Variance to SFCC Table 14-7.2(1) (street design)**

**Owner's/Applicant's Name - Alton Walpole**

**Agent's Name - James Siebert and Associates, Inc.**

THIS MATTER came before the Planning Commission (Commission) for hearing on October 1, 2020, upon the applications (Applications) of James Siebert and Associates, Inc., as agent for Alton Walpole (Applicant). The Applications pertain to 1623 Camino de Cruz Blanca, totaling approximately 5.63 acres (Property). The Property is zoned R-1.

The Applicant requests two variances from the Santa Fe City Code (SFCC) as follows: (1) a variance to SFCC Section 14-7.2(B)(5), which requires a 0.75 reduction in density for a parcel that lies within mountainous and difficult terrain and where 25% or more of the parcel has a natural slope greater than 20%; and (2) a variance to SFCC Table 14-9.2-1, which provides that a lot access driveway may serve a maximum of 8 dwelling units.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

**FINDINGS OF FACT**

**General**

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(vii)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
3. A pre-application conference was held on October 24, 2019 in accordance with SFCC Section 14-3.1(E).
4. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
5. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was conducted on August 4, 2020 using "Zoom". The ENN meeting was attended by a representative of the Applicant, one member of City staff, and eight neighbors, who raised no concerns.
6. Pursuant to the SFCC Section 14-3.16(A), "[l]and use boards may approve variances to the provisions of Chapter 14 ... regulating the size, location and appearance of structures."
7. Pursuant to SFCC Sections 14-2.3(C)(3) and 14-3.16(A), the Commission has the authority to review and approve or disapprove variances.

Case #2020-2499

1623 Camino De Cruz Blanca - Variance to SFCC Section 14-7.2(B)(5)

Case #2020-2592

1623 Camino de Cruz Blanca - Variance to SFCC Table 14-9.2-1

8. City staff reviewed the Applications and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
9. Staff recommended that the Commission deny the variances requested in both Applications.
10. SFCC Section 14-3.16(B) sets out procedures for variance applications and requires the Commission to hold a public hearing and approve, approve with conditions, or deny the variance application.
11. SFCC Section 14-3.16(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before granting a variance.

Variance to SFCC Section 14-7.2(B)(5)

12. SFCC Section 14-12.1 defines “density” as “[t]he extent of development per unit of area. In residential areas or development projects, density is typically expressed in dwelling units per acre.”
13. SFCC Section 14-7.2(A)-(B) and SFCC Table 14-7.2-1 set forth the manner for calculating allowable density, specifically, the maximum number of dwelling units per acre.
14. Under SFCC Table 14-7.2-1 (Table of Dimensional Standards for Residential Districts), Note 15, the “maximum gross density in districts that permit residential use is 0.4 dwelling units per acre if neither public sewer or water is provided, and one dwelling unit per acre if either public sewer or water is provided.”
15. The Property lacks public sewer and public water.
16. SFCC Section 14-7.2(B)(5) provides that when calculating allowable density, the allowable density for a parcel should be reduced by 0.75 if the parcel lies within mountainous and difficult terrain and if 25% or more of the parcel has a natural slope greater than 20%.
17. SFCC Section 14-12.1 defines “mountainous and difficult terrain” as “[a]ny parcel or portion of a parcel that lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent.”
18. The Property that meets the SFCC definition of mountain and difficult terrain and falls within the mapped area identified as mountainous and difficult terrain.
19. Under SFCC Section 14-7.2(B)(8), when calculating density, “if the result is other than a whole number, the number shall be rounded down to the nearest whole number . . . . This is the allowable number of dwelling units for the site.”
20. Pursuant to SFCC Section 14-7.2(A)-(B) and SFCC Table 14-7.2-1, the density calculation for allowable dwelling units on the Property equals 1.69 dwelling units on approximately 5.63 acres, which must be rounded down to 1 dwelling unit.
21. In the Application, the Applicant asks the Commission to grant a variance to SFCC Section 14-7.2(B)(5) to eliminate the 0.75 reduction in density from the calculation of allowable dwelling units on the Property.
22. Approval of the Applicant’s proposed variance to SFCC Section 14-7.2(B)(5) would yield a density calculation of 2.25 allowable dwelling units on approximately 5.63 acres, which must be rounded down to 2 dwelling units.

23. Pursuant to SFCC Section 14-3.16(C)(1)(a), the Commission finds that there are no unusual physical characteristics distinguish the Property from others in the vicinity that are subject to the same relevant provisions of Chapter 14.
24. Pursuant to SFCC Section 14-3.16(C)(1)(b), the Commission finds that the Property is not a legal nonconforming lot because the Property currently conforms to the maximum allowable density set forth in the SFCC.
25. Pursuant to SFCC Section 14-3.16(C)(1)(c), the Commission finds that there is not an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision.
26. Pursuant to SFCC Section 14-3.16(C)(1)(d), the Commission finds that the Property has not been designated as a landmark, contributing, or significant property.
27. The Commission finds that the Applicant has failed to meet the criterion set forth in SFCC Section 14-3.16(C)(1).
28. Pursuant to SFCC Section 14-3.16(C)(2), the Commission finds that the Applicant has failed to demonstrate that special circumstances make it infeasible to develop the property in compliance with the standards of Chapter 14. The Property has already been developed in accordance with the standards of Chapter 14.
29. Pursuant to SFCC Section 14-3.16(C)(3), the Commission finds that the Applicant has failed to demonstrate that granting the variance would not increase the intensity of development beyond that which allowed on other properties in the vicinity. Granting the variance would increase the intensity of development by one dwelling unit. Under today's regulations, the density increase would not be allowed on any other tract of land in the same vicinity that is within mountainous and difficult terrain and lacks public sewer and water.
30. Pursuant to SFCC Section 14-3.16(C)(4), the Commission finds that the Applicant has failed to demonstrate that this is the minimum variance that will make possible the reasonable use of the land. The Property already contains the maximum number of dwelling units permitted by the SFCC, which constitutes a reasonable use. The remainder of the Property can be used for a different category of use (i.e. open space). The density provisions in the SFCC are based on provisions of the General Plan that are intended to protect health, safety, and welfare. The ability to subdivide land in compliance with minimum lot size requirements does not entitle a property owner to create more dwelling units than would otherwise be permitted by the SFCC.
31. Pursuant to SFCC Section 14-3.16(C)(5), the Commission finds that the Applicant has failed to demonstrate that the variance would not be contrary to the public interest. The requested variance would eliminate a standard designed to protect the public interest by limiting density in areas "where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent." This limitation serves the public interest by preventing drainage and erosion problems.
32. Pursuant to SFCC Section 14-3.16(C)(6), the Commission finds that there are no additional requirements, or supplemental or special findings required by other provisions of Chapter 14.

Variance to SFCC Table 14-9.2-1

33. SFCC Table 14-9.2-1 (Design Criteria for Street Types) provides that a lot access driveway may be used to serve a maximum of 8 dwelling units, carries “minimum” average daily traffic, contains 1 auto lane, and is a minimum of 10 feet wide.
34. The existing access road provides access to 1623 Camino de Cruz Blanca serves 8 dwelling units, has a dirt driving surface, and is between 13 and 15 feet wide.
35. The existing access road is located on a 50-foot-wide access easement.
36. In the Application, the Applicant asks the Commission to grant a variance to SFCC Table 14-9.2-1 to allow the existing lot access driveway to serve 9 dwelling units.
37. Pursuant to SFCC Section 14-3.16(C)(I)(a), the Commission finds that there are no unusual physical characteristics distinguish the Property from others in the vicinity that are subject to the same relevant provisions of Chapter 14.
38. Pursuant to SFCC Section 14-3.16(C)(1)(b), the Commission finds that the existing access road is not a legal nonconforming road because the road currently conforms to the design standards for a lot access driveway.
39. Pursuant to SFCC Section 14-3.16(C)(1)(c), the Commission finds that there is not an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision.
40. Pursuant to SFCC Section 14-3.16(C)(1)(d), the Commission finds that the Property has not been designated as a landmark, contributing, or significant property.
41. The Commission finds that the Applicant has failed to meet the criterion set forth in SFCC Section 14-3.16(C)(1).
42. Pursuant to SFCC Section 14-3.16(C)(2), the Commission finds that the Applicant has failed to demonstrate that special circumstances make it infeasible to develop the property in compliance with the standards of Chapter 14. The existing access roads meets existing design criteria in Chapter 14 for a lot access driveway, and the Property has already been developed at the density permitted by the SFCC.
43. Pursuant to SFCC Section 14-3.16(C)(3), the Commission finds that the Applicant has failed to demonstrate that granting the variance would not increase the intensity of development beyond that which allowed on other properties in the vicinity. Granting the variance would increase use of the existing access road by one dwelling unit. Under today’s regulations, this increased capacity would not be allowed for any other tract of land that uses the existing access road.
44. Pursuant to SFCC Section 14-3.16(C)(4), the Commission finds that the Applicant has failed to demonstrate that this is the minimum variance that will make possible the reasonable use of the land. The Property currently has access via a lot access driveway that meets the design criteria in the SFCC, and the Property already contains the maximum number of dwelling units permitted by the SFCC.
45. Pursuant to SFCC Section 14-3.16(C)(5), the Commission finds that the Applicant has failed to demonstrate that the variance would not be contrary to the public interest. The street design criteria were adopted to further the public interest. Granting the variance would increase the number of dwelling units and average daily traffic beyond what the SFCC permits for a lot access driveway and would benefit only the Applicant.

Case #2020-2499

1623 Camino De Cruz Blanca - Variance to SFCC Section 14-7.2(B)(5)

Case #2020-2592

1623 Camino de Cruz Blanca - Variance to SFCC Table 14-9.2-1

46. Pursuant to SFCC Section 14-3.16(C)(6), the Commission finds that there are no additional requirements, or supplemental or special findings required by other provisions of Chapter 14.

### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the hearing, the Commission CONCLUDES as follows:

#### General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.
2. The Commission has the power and authority at law and under the Code to review the requested variances and to approve, approve with conditions, or deny the Applications.

#### Variances to SFCC Section 14-7.2(B)(5)

3. The Property is allowed to have a maximum gross density of .4 dwelling units per acre because the Property lacks public sewer and public water.
4. The Property is subject to an additional 0.75 reduction in maximum allowable density because the Property is located within mountainous and difficult terrain.
5. The variance to SFCC Section 14-7.2(B)(5) should not be granted because the Applicant has failed to meet all of the approval criteria for the variance.

#### Variances to SFCC Table 14-9.2-1

6. The existing access road meets the design criteria for a lot access driveway.
7. The variance to SFCC Table 14-9.2-1 should not be granted because the Applicant has failed to meet all of the approval criteria for the variance.

**WHEREFORE, IT IS ORDERED ON THE 1st DAY OF OCTOBER 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

Considering the foregoing findings and conclusions, the Commission denies the variance to SFCC Section 14-7.2(B)(5), as requested in Case #2020-2499; and the Commission denies the variance to SFCC Table 14-9.2-1, as requested in Case #2020-2592.

\_\_\_\_\_  
John B. Hiatt  
Chairperson

\_\_\_\_\_  
Date

Case #2020-2499

1623 Camino De Cruz Blanca - Variance to SFCC Section 14-7.2(B)(5)

Case #2020-2592

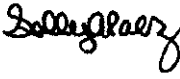
1623 Camino de Cruz Blanca - Variance to SFCC Table 14-9.2-1

FILED:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

  
Sally A. Paez  
Assistant City Attorney

October 1, 2020  
Date

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **C**

Development Review Team (DRT)

**RE: Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).**

ROMERO, JOHN J <jjromero1@santafenm.gov>

Wed 9/16/2020 2:42 PM

To: ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>

Hi Dan,

I have no comment.

-jjr

**From:** ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>

**Sent:** Wednesday, September 16, 2020 2:20 PM

**To:** ROMERO, JOHN J <jjromero1@santafenm.gov>

**Subject:** Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).

Please comment:

**Case #2020-2592.** 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).

Dan Esquibel

Planner Senior

Land Use Dept., Current Planning Division

Office: 505-955-6587

Email: [daesquibel@santafenm.gov](mailto:daesquibel@santafenm.gov)

# Development Review Team

## Comment Form

Date: 09/22/2020

Staff person: Geronimo Griego

Dept/Div: Fire Prevention

Case: 2020-2499 1623 Camino Cruz Blanca Variances

Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:  
by:

Must be completed

	Prior to planning commission.
--	-------------------------------

Technical Corrections\*:

Must be completed by:

<ol style="list-style-type: none"><li>1. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1)</li><li>2. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)</li><li>3. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.</li><li>4. Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1 )</li><li>5. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.</li><li>6. Shall have water supply that meets fire flow requirements as per IFC (Appendix B)</li></ol>	At the time of any new construction or remodel.
--	---

- |  |  |
|--|--|
| <ol style="list-style-type: none"><li>7. Shall comply with IFC 2009 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.</li><li>8. Shall comply with Section D102.1 Access and Loading (75,000 lbs).</li><li>9. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)</li><li>10. Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates.</li><li>11. Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads.</li><li>12. Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.</li></ol> |  |
|--|--|

\*Must made prior to recording and/or permit issuance

**Case #2020-2499. 1623 Camino Cruz Blanca Variances & Case 2020-2494. 113  
Washington Avenue Variance**

BEINGESSNER, DEE <dabeingessner@santafenm.gov>

Thu 8/27/2020 10:01 PM

To: ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>

Dan,

I had no comments for the two subject cases.

Dee

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **D**

ENN



## ENN GUIDELINES

### Applicant Information

Project Name: 1623 Camino Cruz Blanca Variance of Chapter 14-7.2(B)5 Mountainous & Difficult Terrain

Name: Walpole Alton (C/O James W. Siebert & Assoc.)

Last First M.I.

Address: 1623 Camino Cruz Blanca

Street Address

Suite/Unit #

Santa Fe

NM

87505

City

State

ZIP Code

Phone: ( ) 983-5588

E-mail Address: jim@jwsiebert.com

**Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.**

- (a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS** For example: **number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.**

*This area of Santa Fe is an area of low density residential development. At 2.81 acres per lot for the two lots the lot sizes are not too dissimilar to the lot sizes in the area. The houses tend to be larger in this forested area of Santa Fe and neither Mr. Walpole's house nor the house that is proposed on the additional lot that is requested will be as large as some of the existing houses in the area. This is the area of Santa Fe that is heavily forested with Pine Trees. The area for landscape is minimized since the preservation of the existing vegetation minimizes the need to supplement the property with non-native species. The Santa Fe National Forest adjoins this property on the west side serving as a natural buffer from other residences.*

- (b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT** For example: **trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.**

*There is an area that is suitable for the construction of an additional dwelling that satisfies city terrain management regulations. That area does not have a flood plain, rock outcroppings and is not located within an escarpment and has limited visibility from other view sheds areas of Santa Fe. There are no hazardous materials on the site and the threat of forest fires is always a concern for this area of Santa Fe. There is an easement that was granted by the Walpole's to allow a neighbor to construct a leach field on his property since his property is flatter and has better soils for leach fields than his neighbor.*

- (c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN** For example: **the project's compatibility with historic or cultural sites located on the property where the project is proposed.**

*Although an archaeological study is not required it is an unlikely area for early Indian habitation since there is no continuous supply of water for this area. The property is located at a considerable distance from other historical of cultural sites. There are no acequias on or near the property.*

**(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN** *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

*The existing densities are exceptionally low in this area of Santa Fe. The densities are limited by the lack of city water and sewer. The extension of city water and sewer would be extremely difficult due to the amount of rock that would have to be excavated to construct water and sewer to the homes sites, many of which are several hundred feet off the access road. This area was part of the original Santa Fe Grant zoned in the 1950's at the lowest residential density due to difficult terrain conditions. The subject lot is not included in the Historic District. The City General Plan recommends low density development for this area of Santa Fe.*

**(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES** *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

*The traffic for this area is limited since few people live on the private road that serves this house and a limited number of houses in the area. The larger lots reduce the number of dwellings. Traffic congestion is not a problem for this area of Santa Fe. Given the steepness of the area the disabled would have a difficult time accessing the dwelling or generally walking in the area.*

**(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE** *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

*The construction of another dwelling will provide a limited number of jobs. An additional home would create a demand for a variety of services and food and supply purchases.*

**(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS** *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

*Affordable housing is not proposed since this is a lot split and is not subject to affordable housing. Given the location and current housing market it is assumed that the house to be constructed on the future lot will be occupied by a family without children. This property is zoned residential and businesses be they, high end or affordable are not allowed in this area.*

**(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES** *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

*No new city utility service is required for this lot split. The new house will have to install a new well and septic tank and leach field. Water and sewer service is independent of the need to extend those utilities to the house. Bus service is at a considerable distance from the house and it is unlikely that it would be used by the residents of the new lot. Electrical power and communication facilities are currently available to the existing lot and will also be available to the new residence.*

- (i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

*The new lot will have to comply with water offset requirements that specify .25 acre feet of water to be delivered to the city through the purchase of water offsets available either from the city or private parties. Conservation measures are now mandated by the City, State and Federal codes. Those codes are enforced as part of the building permit review at the time a permit for construction is submitted to the city.*

- (j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS** *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

*This is a part of the city that is isolated from the rest of the community. The ability to have integration and social balance is limited by the low density and distance from community facilities that exist for this area of Santa Fe. The closest major institution to this property is St Johns College where there is some possible interaction created by the schools programs to encourage interaction between older residents and the discussion of a variety of reading materials.*

- (k) EFFECT ON SANTA FE'S URBAN FORM** *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

*This is an infill project in the sense that the surrounding area is largely developed. It does not promote a compact urban form and was never designed to do so given the terrain in the area and proximity to the National Forest. The typical homeowner for the area is either retired or semi-retired and works from home. Travel to employment centers would be limited since the likely resident for the new lot would be retired or semi-retired.*

- (l) ADDITIONAL COMMENTS (optional)**



**City of Santa Fe  
Land Use Department  
Early Neighborhood Notification Meeting Notes**

<i>Project Name</i>	ENN: 1623 Camino Cruz Blanca
<i>Project Location</i>	1623 Camino Cruz Blanca
<i>Project Description</i>	Proposed variance to Chapter 14-7.2(B)(5), calculations of dwelling within the mountainous and difficult terrain, and variance to 14-9.2.8E/Table 14-.9.2-1 to allow nine homes on a driveway where the construction of a Lane is required.
<i>Applicant / Owner</i>	Alton Walpole
<i>Agent</i>	James Siebert and Associates, Inc.
<i>Pre-App Meeting Date</i>	October 24, 2019
<i>ENN Meeting Date</i>	August 04, 2020
<i>ENN Meeting Location</i>	Virtual meeting via Zoom
<i>Application Type</i>	ENN
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	None
<i>Attendance</i>	8

**Notes/Comments:**

The Applicant conducted an a virtual ENN meeting via Zoom on August 04, 2020. There were 8 people attended the virtual meeting, not including the Applicants and the Applicant's Agent. The Applicant's agent explained the variance requests and answered a few questions. There were no concerns or opposition raised.

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

**EXHIBIT**

**E**

Maps and Photos

# ZONING

R1



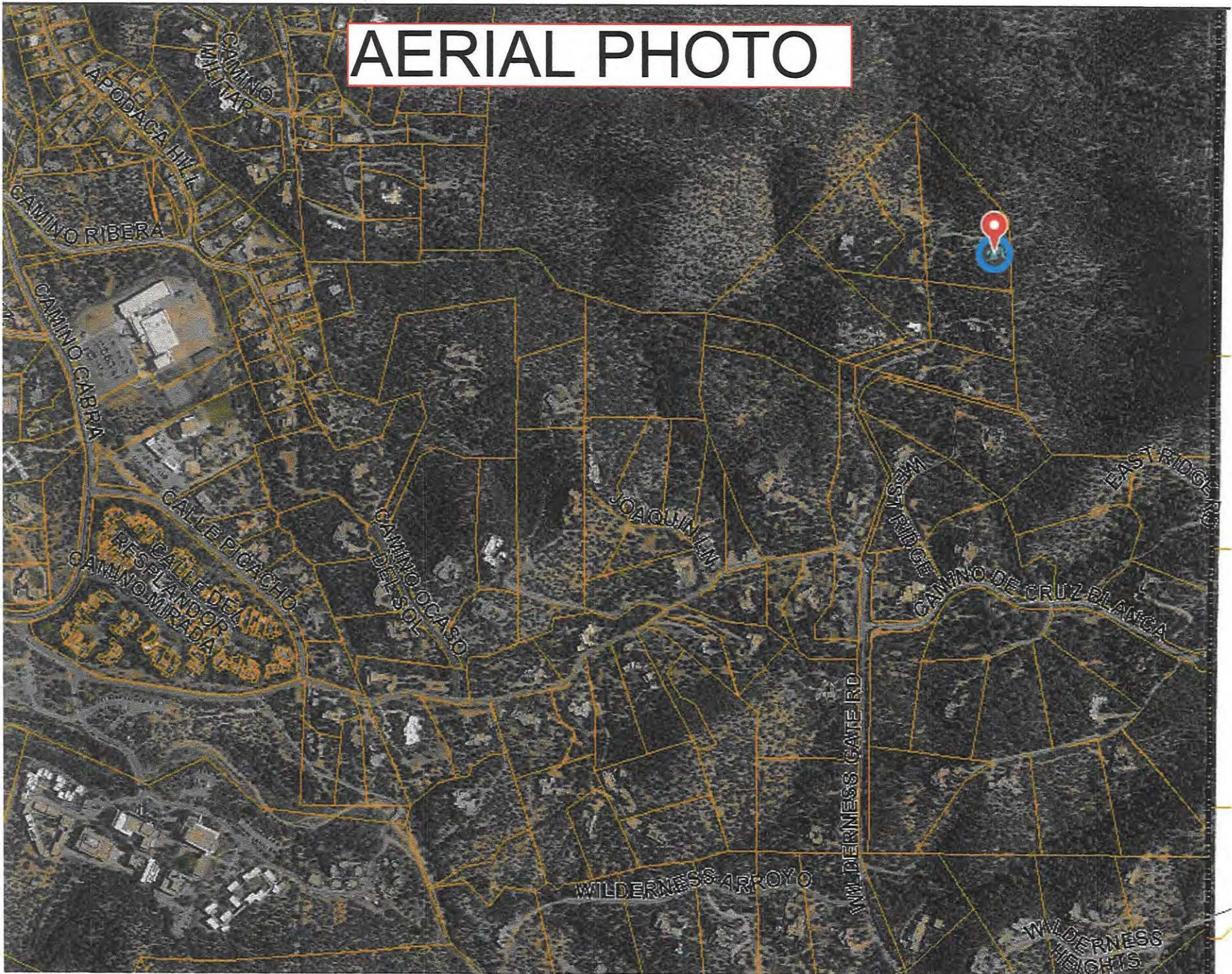
CAMINO DE CRUZ BLANCA

JOAQUIN LN

WEST RIDGE

EAST RIDGE RD

# AERIAL PHOTO



**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **F**

Referenced Code Sections
--------------------------

**14-7.-2(B) Calculation of Allowable Dwelling Units**

- (A) Prior to any development approval, the maximum allowable number of dwelling units shall be calculated for the site as a whole as follows:
- (1) determine the total number of acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer and
  - (2) determine the total flood way acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer and
  - (3) subtract the sum of the flood way acres calculated in Subsection 14-7.2(B)(2) from the total number of acres of the site calculated in Subsection 14-7.2(B)(1);
  - (4) multiply the remaining acres by the applicable gross density factor of the district as shown in Table 14-7.2-1;
  - (5) for a parcel , any portion of which lies in the area labeled as mountainous and difficult terrain on Exhibit "I" following Chapter 14 and where twenty-five percent or more of the parcel has a natural slope greater than twenty percent, multiply the result calculated in Subsection 14-7.2(B)(4) by 0.75;
  - (6) if the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in Subsections 14-7.2(B)(7) or (8). This is the allowable number of dwelling units for the site;
  - (7) if the calculation is for a family transfer subdivision as set forth in Subsection 14-3.7(F)(2)(b) and the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more;
  - (8) if the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more; provided that the additional unit resulting from the rounding up meets the requirements of Santa Fe Homes Program (SFHP) set forth in Section 26-1 SFCC 1987 (Santa Fe Homes Program) or is a low-priced dwelling unit meeting the requirements set forth in Section 26-2.3 SFCC 1987 (Requirements for Low-Priced Dwelling Units);
  - (9) SFHP development incentives pursuant to Section 14-8.11(G) may increase the maximum number of dwelling units allowed on any site; however, if a development plan has been approved, in no case shall more dwelling units be constructed than described on the approved development plan.
  - (10)The minimum net lot area requirement for single-family dwellings shall be as established in Subsection 14-7.1(B)(1), Table 14-7.2-1 and Subsection 14-7.2(C); however, the number of dwelling units , and the number of lots occupied by single-family dwellings in a residential subdivision shall not exceed the number provided by this Subsection 14-7.2(B). (Ord. No. 2014-31 § 22)
  - (11)The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision, including lot split, the allowed number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split that prohibits a further increase in the number of dwelling

units for each portion of the site unless approved by the governing body as a rezoning action or other action authorized by Chapter 14.(C)Lot Area Averaging in Single-Family Subdivisions

(Ord. No. 2014-31 § 23)

(1)It is intended that the common open space required in single- family subdivisions where the lot area has been reduced from that of a conventional subdivision be a compensation to occupants for reduced lot area. It is further intended that common open space be usable and be provided for occupants outside of the lot but within the subdivision.(2)The minimum lot area requirement for single- family structures is specified in Table 14-7.2-1; however the lot area may be reduced to a minimum of two thousand (2,000) square feet if common open space is provided equal to the sum of lot area reductions within the subdivision.

Table 14-9.2-1: Design Criteria for Street Types

(Ord. No. 2013-16 § 59)

TABLE 14-9.2-1: Design Criteria for Street Types

See also Chapter 12 Fire Prevention and Protection — International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000—5,000	1,000—5,000	300—1,000	300—1,000	0—300	Minimum
Dwelling Unit Access						30—100	30—100	0—30	(0—8)
Minimum Right-of-way Width	120	98	70	52	50	42	50 or 56	38 or 42	NA
Slope/Grading Easement (conditional upon staff review)	0—30	0—30	0—30	0—30	0—30	0—30	0—30	0—30	NR
Number of Auto Lanes	6—7 Note 2	4—5 Note 2	2—3 Note 2	2	2	2	2	2	1
Width of Driving Lanes	11	11	11	10	10	8	10	9	10
Median/Turn Lane Width	18	18	14	NR	NR	NR	NR	NR	NR
Minimum Bikeway Width	5	5	5	4	NR	NR	NR	NR	NR
On-Street Parking Width	NA	NA	NA	NA	6 Note 3	NA	6 Note 4	NA	NA
Curb & Gutter	2	2	2	2	2	2	2	2	NR
Minimum Sidewalk Setback	5	5	5	5	NR	5	5	0 or 5 Note 5	NR
Minimum Sidewalk Width	6	6	5	5	7	5	5	5	NR

Notes:

NA - Not Applicable

NR - Not Required

1. Refer to Subsection 14-9.2(C)(8) for additional standards for lanes and lot access driveways. Lot access driveway standard applicable to access from street to not more than eight single family lots

2. Includes Median/Turn Lane

3. Parking required on both sides of street, except no parking on that side of a street adjoining the plaza.

4. Parking may be on one side or both sides of the street, parking lane should not be continuous. ( )

All measurements in feet, unless otherwise noted.

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **G**

Applicant Material



**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

---

**915 MERCER STREET \* SANTA FE, NEW MEXICO 87505  
(505) 983-5588 \* FAX (505) 989-7313  
[jim@jwsiebert.com](mailto:jim@jwsiebert.com)**

August 17, 2020

Noah Berke  
Senior Planner  
P.O. Box 909, 200 Lincoln Ave.  
Santa Fe, NM 87504

Dear Mr. Berke:

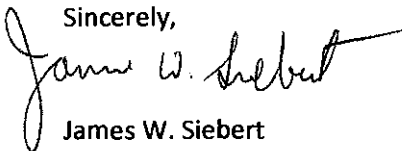
On behalf of Mr. Alton Walpole I am submitting an application for variances for Section 14-9.2-1 Maximum of 8 lots on a 10 foot road and Section 14-7.2.(B)(5) Area of Difficult and Mountainous Terrain.

The following material is submitted with this application:

- Completed application form signed by Mr. Walton
- Response to Approval Criteria for 14-9.2-1
- Response to Approval Criteria for 14-7,2(B)(5)
- Informational Letter
- Check for \$500 for application fee

Please schedule the request for the next available Planning Commission meeting.

Sincerely,



James W. Siebert

Xc: Alton Walpole  
Dan Esquibel



PLANNING COMMISSION  
**VARIANCE APPLICATION**  
SUBDIVISION OR DEVELOPMENT PLAN STANDARDS

**Parcel Information**

Project Name: 1623 CAMINO CRUZ BLANCA VARIANCES OF 14-7.2(B)(5) MOUNTAINOUS AND DIFFICULT TERRAINS AND 14-9.2.8(E) & TABLE 14-9.2.1 Property  
Address: 1623 CAMINO CRUZ BLANCA Size: 5.62 ACRES  
Zoning: R-1 Proposed Use of Land: \_\_\_\_\_  
Does this project have a Final Development Plan approval? YES  NO  Case Number: \_\_\_\_\_  
Early Neighborhood Notice (ENN) meeting date: 8/4/20 Uniform Parcel Code Number: 1-056-098-369-274  
Preapplication Conference Date: \_\_\_\_\_

**Property Owner Information**

Company Name: \_\_\_\_\_  
Name: ALTON & CYNTHIA WALPOLE  
First Last  
Address: 1623 CAMINO CRUZ BLANCA  
Street Address Suite/Unit #  
SANTA FE NM  
City State ZIP Code  
Phone: ( ) \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**Applicant/Agent Information (if different from owner)**

Company Name: JAMES W. SIEBERT & ASSOC  
Name: \_\_\_\_\_  
First Last  
Address: 915 MERCER ST  
Street Address Suite/Unit #  
SANTA FE NM 87505  
City State ZIP Code  
Phone: (505) 983-5588 E-mail Address: VICTORIA@JWSIEBERT.COM  
Correspondence Directed to:  Owner  Applicant  Both

**Affidavit to Authorize Agent (if applicable)**

I am/We are the owner(s) and record title holder(s) of the property located at: 1623 CAMINO CRUZ BLANCA  
I/We authorize JAMES W. SIEBERT & ASSOC to act as my/our agent to execute this application.  
Signed: Alton Walpole Date: 8/14/20  
Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Submittal Checklist**

Six (6) 24"x36" plan sets and one (1) CD are required. Please include the following:

<input type="checkbox"/> Letter of Application (intent, location, acreage)	<input type="checkbox"/> Statement addressing approval criteria	<input type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Development Plan (as defined by Section 14-3.8 SFCC 2001)	<input type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications
<input type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 2001)	<input type="checkbox"/> Traffic Impact Analysis (if required)	<input type="checkbox"/> Proof of Compliance with Conditions of Annexation Approval (if applicable)	<input type="checkbox"/> Sewer and Water Plan (including profiles and details)	<input type="checkbox"/> ENN Meeting Notes
<b>Variances from Subdivision Regulations (Section 14-3.16 (C) SFCC 1987)</b>				

**(C) Approval Criteria**

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

- (1) One or more of the following special circumstances applies:
  - (a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;
  - (b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;
  - (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or
  - (d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing or significant property* pursuant to Section 14-5.2 (Historic Districts).
- (2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.
- (3) The *intensity of development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.
- (4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:
  - (a) whether the *property* has been or could be used without variances for a different category or lesser *intensity of use*;
  - (b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.
- (5) The variance is not contrary to the public interest.
- (6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

**Note: If application is being made for Development in Special Flood Hazard Areas, then justification must be provided with the above approval criteria and the criteria found in Section 14-3.10(E) SFCC 1987.**

**Signature**

*I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.

Title Guaranty & Ins.  
TG&IC # SF10-0379

REC CLERK RECORDED 08/17/2010

**WARRANTY DEED**  
(JOINT TENANTS)

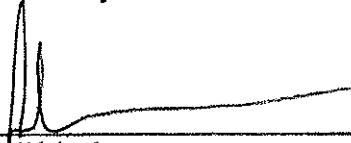
Alton Walpole, for consideration paid, grant to Alton Walpole and Cynthia Christian, husband and wife, as joint tenants with rights of survivorship, whose address is 1623 Camino Cruz Blanca, Santa Fe, NM 87505, the following described real estate in Santa Fe County, New Mexico:

Tract Four (4), as shown on plat entitled "Lands of J.W. Schepps, A.L. Thomas A. Walpole & P. Pinnell, Jr...", filed in the office of the County Clerk, Santa Fe County, New Mexico, on September 23, 1977, in Plat Book 57, page 7, as Document No. 408,717.

SUBJECT TO: Restrictions, reservations and easements of record.  
ALSO SUBJECT TO: Ad valorem property taxes for the year 2010 and subsequent years.

with warranty covenants.

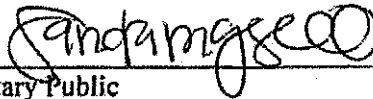
WITNESS my hand and seal this 17th day of August, 2010.

  
\_\_\_\_\_  
Alton Walpole

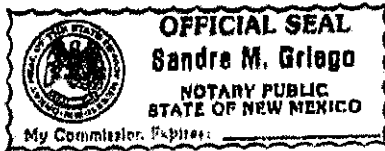
**ACKNOWLEDGMENT**

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

This instrument was acknowledged before me on August 6, 2010 by Alton Walpole.

  
\_\_\_\_\_  
Notary Public


My Commission Expires: 2/17/17

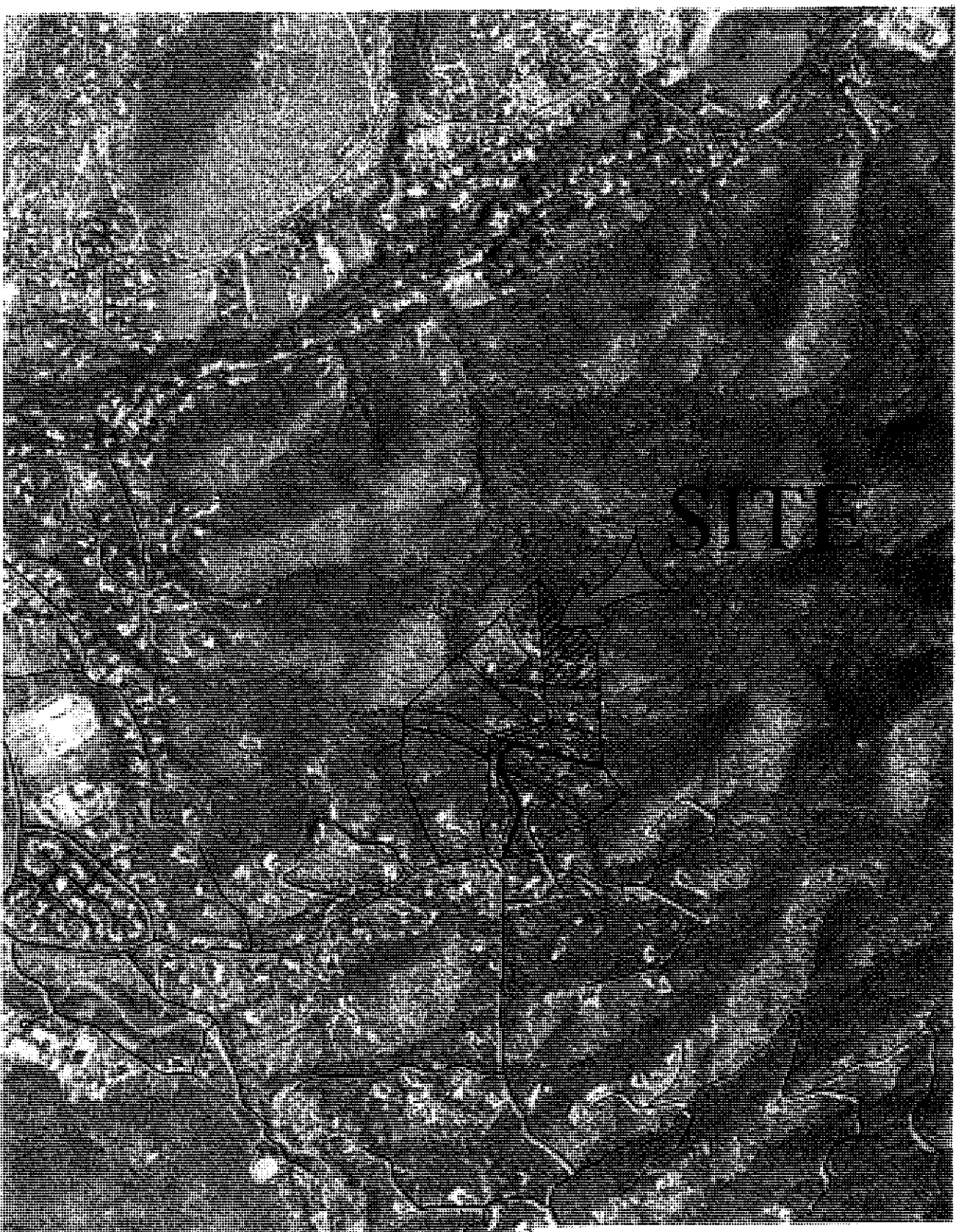


COUNTY OF SANTA FE            )  
STATE OF NEW MEXICO        ) as

WARRANTY DEED  
PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 17TH Day Of August, 2010 at 03:56:50 PM And Was Duly Recorded as Instrument # 1608059 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy  County Clerk, Santa Fe, NM



**JAMES H. GILBERT**  
LAND DEVELOPMENT, INC.

**ALTON HENFORD**

Scale  
1" = 1,000'

2100 HENFORD STREET • SOUTH OF NEW BRUNSWICK STATION



**SECURITY BANK**



(908) 482-2244

LAND DEVELOPMENT, INC.

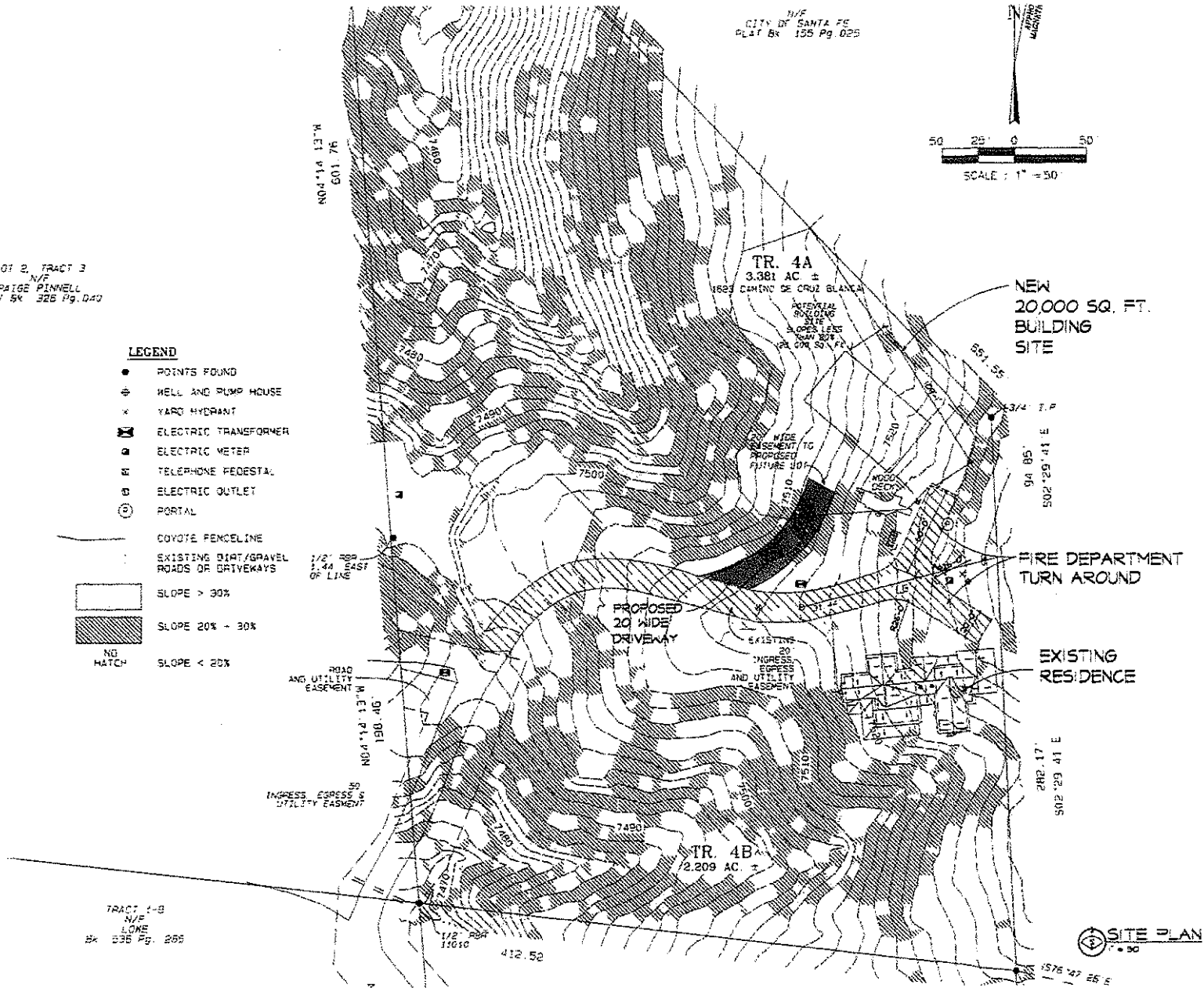
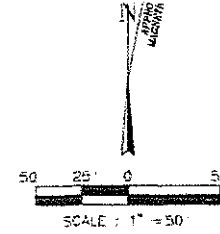
LOT 2, TRACT 3  
N/P  
PAIGE PINNELL  
PLAT BK 325 Pg. 040

**LEGEND**

- POINTS FOUND
- ⊕ WELL AND PUMP HOUSE
- × YARD HYDRANT
- ⊠ ELECTRIC TRANSFORMER
- ⊞ ELECTRIC METER
- ⊞ TELEPHONE PEDESTAL
- ⊞ ELECTRIC OUTLET
- ⊞ PORTAL
- COVOTE FENCELINE
- EXISTING DIRT/GRAVEL ROADS OR DRIVEWAYS
- ▨ SLOPE > 30%
- ▩ SLOPE 20% - 30%
- NO HATCH SLOPE < 20%

TRACT 1-B  
N/P  
LONE  
BK 235 Pg. 205

N/P  
CITY OF SANTA FE  
PLAT BK 155 Pg. 025



<p>APPROVALS: <input type="checkbox"/> DATE: _____</p> <p>OWNER: _____</p> <p>DRAWN BY: _____</p> <p>CHECK BY: _____</p> <p>ENGINEER: _____</p>	<p><b>DESIGN SOLUTIONS®</b></p> <p>DESIGN AND OFFERING SERVICES          10000 COUNTRY CLUB ASSOCIATES          1415 WEST ALAMEDA STREET, SANTA FE, NM          PH: 505 980 5231 FAX: 505 980 1055</p>
<p><b>WALPOLE RESIDENCE</b>          1623 CAMINO CRUZ BLANCA          SANTA FE, NEW MEXICO</p>	
<p>DATE: 3-4-2000          REVISION: _____ DATE: _____</p>	
<p><b>A-1</b></p>	



**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

---

**915 MERCER STREET \* SANTA FE, NEW MEXICO 87505  
(505) 983-5588 \* FAX (505) 989-7313  
[jim@jwsiebert.com](mailto:jim@jwsiebert.com)**

**INFORMATIONAL LETTER**

Noah Berke  
Senior Planner  
P.O. Box 909, 200 Lincoln Ave  
Santa Fe, NM 87504

Re: Alton Walpole Variance Requests

Dear Mr. Berke

This letter provides the background information that cannot be conveyed in the response to the variance criteria.

Explanation of Difficult and Mountainous Terrain

The Difficult and Mountainous Terrain provision was adopted in the 1980's in response to retaining walls failing and collapsing due to heavy rains or poor construction and more construction taking place on Santa Fe's hillsides. Although much of the property on the north side of Santa Fe was already zoned R-1, there was desire to further reduce the density in selected areas where steep slopes dominated the landscape. It is my belief that the 25 percent reduction in density was directed to the R-1 and higher density zoning in the north side areas. The application of a 2.5 acre minimum lot size for lots without city sewer and water was not given much consideration when the Difficult and Mountainous Terrain ordinance was adopted. The 2.5 acre minimum lot size was based on the County requirement at the time for lots served by an on-site sewer and water.

R-1 land served by city water or city sewer within the area of Difficult and Mountainous Terrain may be developed at one dwelling per 1.25 acres. If neither of the two utilities are available the requirement is one dwelling per 3.33 acres. That is a significant increase in area compared for R-1 land with at least one of the city utilities. The imposition of Difficult and Mountainous Terrain on lots without city water and sewer is a significant burden on the land owner.

### Difficult and Mountainous Terrain as a Dimensional Standard

The various zoning districts are set forth in Chapter 14-4.2 and 14-4.3 of the Land Development Code. The area of Difficult and Mountainous Terrain is not listed as a zoning district. The residential zoning districts set the maximum allowed densities. Overlay districts also can set maximum allowed densities based on the underlying zoning. Chapter 14-5.1(A)(1)-(9) in describing the overlay districts does not mention the area of Difficult and Mountainous Terrain as an overlay district. The point being that it must therefore be a dimensional standard, like a setback or height standard.

### Road Variance

The variance is requesting one more additional lot than the permitted 8 lots on a 10 foot roadway as set forth in 14-9.2-1 in the Santa Fe City Code. In this case the roadway varies in width from 13 feet to 15 feet. The lot split would create the ninth lot served by the private road. A covenanted agreement among the land owners served by Camino Cruz Blanca private road is attached as Exhibit B. Article 4 on page 5 describes the payments and maintenance requirements for the private road. Mr. Walpole has stated that all lot owners participate in the cost for the maintenance and improvements to the road. Mr. Walpole is the administrator for the collection of money for the road maintenance and improvements. Improvements consist of widening the road where there is sufficient easement, adding basecourse where needed and maintaining or replacing culverts. Maintenance is undertaken at least once a year.

The point here is that in other areas of Santa Fe on private roads where the access is 10 feet in width often there is no formal organization to maintain and improve the roads and there is no requirement in city code to do so. Given the level of maintenance that is occurring on Camino Cruz Blanca one additional dwelling has little impact expect to add to the money collected for road maintenance. The new lot will be subject to the covenants the same as the existing lots and therefore the owner of this lot will be obligated to participate in road maintenance costs.

It also needs to be pointed out the City Code has taken into account where older roads may have to be permitted to allow for conformance with the unique neighborhood condition. The City Code, Section 14-9(4)(b) states that "The arrangement of streets in a development shall: (b) conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area.

Xc: Dan Esquibel  
Alton Walpole

**DECLARATION OF PROTECTIVE COVENANTS**

THIS DECLARATION is made this 28<sup>th</sup> day of November, 2005, by PAMELA MESSER, a single woman; WILLIAM H. DONAHUE and DANA DENSMORE, husband and wife; MATTHEW and MARY SAMPLE, husband and wife; ALTON WALPOLE and CYNTHIA CHRISTIAN, husband and wife; RICHARD FERBER and POLLY TAPIA FERBER, husband and wife; and KENNETH and MARY ANN LOWE, husband and wife; (hereinafter collectively referred to as "Owners").

WHEREAS, Owners are the owners of certain parcels of real estate in Santa Fe, County, New Mexico, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference, and desire to impose the provisions of this Declaration on and subject all of the above described real estate to the covenants, hereinafter stated, including easements, for the purpose of protecting the value and standards of said real estate, the terms of which shall run with the land and be binding upon and inure to the benefit of all parties having any right, title or interest in or to the above described real estate, or any part thereof, and their successors and assigns.

NOW, THEREFORE, Owners hereby declare that the Properties shall be subject to the following covenants, conditions and restrictions:

**ARTICLE 1  
DEFINITIONS**

Wherever used herein, the following terms shall have the following meanings:

1.1 "Properties" shall mean and refer to the real estate described in Exhibit A attached hereto and such additions as may hereafter be brought within the jurisdiction of this Declaration;

1.2 "Lot" shall mean and refer to each of the six (6) Lots inclusively as described in and listed as Lots or Tracts in Exhibit A;

1.3 "Easements" shall mean and refer to all easements affecting the Properties and recorded as of the date of this Declaration, provided further that "Private Road Easement" shall refer to the road access easement as shown on the plat entitled "Lands of J.W. Schepps, A.L Thomas, A. Walpole & P. Pinnell, Jr., Ward No. One, Santa Fe, New Mexico" dated September 3, 1977 and recorded as number 408,717 in the County Clerk's office of Santa Fe County, New Mexico.

1.4 "Guest House" shall mean a second residence on the Property occupied, full-time or part-time, by the family members or guests of the Owners.

1.5 "Structure" means any residence, dwelling, garage, outbuilding or wall.

SFC CLERK RECORDED 12/27/2005

**ARTICLE 2  
SUBDIVISION AND STRUCTURES**

2.1 *Intent.* The intent of Owners herein is (i) to attempt to ensure the protection of view corridors for the various Lots while recognizing that complete protection is not always possible; (ii) to limit the density of structures on the Lots and (iii) to avoid large scale monolithic structures.

2.2 *Subdivision.* The minimum lot size shall be 2.2 acres. No subdivision of or other adjustment of any Lot shall be permitted that will create a lot smaller than this size. Any lots created by the subdivision of any Lot shall be fully subject to the covenants and restrictions contained in this Declaration.

2.3 *Combination.* Combinations of Lots shall be permitted subject to the approval of the City of Santa Fe and the execution and acknowledgment by the Owner of the Lots to be combined, of an instrument specifying such combination and giving the metes and bounds description and Lot number of the newly created Lot. Such instrument shall be filed for record by the Owner in the real estate records of Santa Fe County, New Mexico, before such combination is considered to have been completed hereunder. Once combined, the newly created Lot shall not be resubdivided thereafter. No combination of Lots shall be deemed an amendment or release of the covenants and restrictions herein.

2.4 *Lot Line Adjustments.* Lot line adjustments between Lots shall be permitted subject to the approval of (i) all Owners, (ii) the City of Santa Fe, and (iii) the execution and acknowledgment by the Owners of the Lots to be adjusted, of an instrument specifying such adjustment and giving the metes and bounds description and Lot number for each of the adjusted Lots. Such instrument shall be filed for record by the affected Owners in the real estate records of Santa Fe County, New Mexico, before such adjustment is considered to have been completed hereunder. No adjustment of Lot lines shall be deemed an amendment or release of the covenants and restrictions herein.

2.5 *Permitted and Prohibited Structures.* No structure shall be erected, altered, placed or permitted to remain on any Lot or building site subject to this Declaration other than one single-family dwelling for private use, a Guest House, a private studio, a private garage, recreational facilities, storage sheds, solar heating devices, evaporative cooler or coolers, and improvements incidental to residential use of the Lot. Condominium units, each of which is owned and occupied by unrelated parties, are specifically prohibited.

2.6 *Size Limitations.* No Lot shall have structures totalling more than 6,000 square feet of roofed floor area. No single structure shall have more than 3,500 square feet of roofed floor area.

SFC CLERK RECORDED 12/27/2005

**ARTICLE 3  
COMMON SCHEME RESTRICTIONS AND REQUIREMENTS**

**3.1 Trees and Landscaping.** The living native growth of the Properties, including but not limited to cacti, pinon, ponderosa pines and juniper trees, shall not be destroyed or removed without the prior approval of all of the other Owners, except such native growth and flora as may be necessary to remove for the construction and maintenance of roads, driveways, dwellings and other approved structures. Dead trees may be removed.

**3.2 Utilities.** All electrical service, gas lines, water lines, cable television, telephone lines or other utilities shall be placed underground and installed in or adjacent to the driveway.

**3.3 Trash.** No Lot shall be used for the storage or dumping of rubbish or debris of any kind, or for the storage of any property or thing that will be toxic, dangerous, or unhealthy, and no substance, thing or material may be kept upon any Lot that will emit foul or obnoxious odors. Before and after construction, the storage of construction material, supplies and equipment shall be prohibited unless placed out of view of other Lot Owners.

**3.4 Noise.** No devices emitting undesirable noise levels or that will cause any noise that will disturb the peace, quiet, comfort, or serenity of any occupants or Owners of Lots shall be permitted on the Lots. Burglar alarms must be kept in good working order so that they do not go off without intrusions into the structure protected. Burglar alarms must be turned off within ten minutes after going off.

**3.5 Concrete Slurry.** During or after construction of improvements to any Lot, no concrete slurry shall be left on any Lot or within the Easements.

**3.6 Storage Tanks.** Any tanks for use in connection with any residence, including tanks for the storage of liquefied petroleum gas and fuel oil, gasoline, oil or water, must be buried or concealed by walls, trees, or fences so as to conceal them from view from other Lots and the Easements.

**3.7 Towers.** No derrick or other structure designed for use in boring for oil or natural gas, and no cellular telephone, radio or television transmission towers shall be erected, placed or permitted; and the production or extraction of oil, natural gas, petroleum, asphalt or hydrocarbon products or substances shall not be permitted. No exterior antenna of any sort, including satellite dishes, shall be installed or maintained on any Lot, except those devices which are erected, installed, placed or maintained and used entirely under the eaves or enclosed within a building or Structure or screened from view from other Lots and Easements or which are otherwise specifically authorized by the Declaration.

Notwithstanding the foregoing, television antennae (but not satellite dishes) may extend two (2) feet above the parapet.

3.8 *Animals*. Domestic animals are permitted. No livestock, including horses shall be permitted on any Lot. No animals of any kind may be kept on any Lot for commercial purposes. Animals may not be kept on any Lot in any manner which creates a nuisance or is offensive to the neighboring Lots, whether by reason of noise, habits, odors, or otherwise, anything to the contrary hereinabove notwithstanding. The Owners shall have the right to demand the removal of any animals which are kept in violation of this Declaration. Enclosures for animals shall be constructed in accordance with this Declaration.

3.9 *Exterior Lights*. All exterior lights must be located so as not to be directed toward surrounding lots, properties or roads. Bright, glaring lights on roof tops and patio walls or elsewhere are prohibited.

3.10 *Conservation*. All Lot Owners are urged to practice indoor and outdoor water conservation measures. "Alternative" energy sources such as solar heat, wind generators, etc. are encouraged. All construction must comply with the published water conservation criteria of the City and County of Santa Fe.

3.11 *Drainage*. Surface drainage courses within Lots are to remain in their natural state, except for diversion approved by the Owners.

3.12 *Hunting and Firearms*. No hunting shall be permitted within the Properties, and no discharge of firearms shall be permitted within the Properties.

3.13 *Private Easements*. No dirt bikes, motorcycles, off-road vehicles or any unlicensed vehicles of any kind shall be driven or permitted on the Easements except for ingress and egress to an Owner's residence. No motor-driven vehicle shall be driven or permitted in the Properties except on the Easements or the driveways within the Properties. Mountain bikes may only be used on the Easements and private driveways.

3.14 *Ground Water*. Ground water shall not be impounded by any Owner in any way which might adversely affect other Owners of the Properties.

3.15 *Discharge of Explosives*. No explosive material may be discharged on any lot except for bona fide construction purposes and then only after all inhabitants of the Properties have been duly notified in advance of the proposed discharge of an explosive material and only in a manner that shall reduce to a minimum the noise, vibration and other impact of the proposed discharge.

**ARTICLE 4  
ROAD MAINTENANCE**

4.1 *Owners' Approval.* Whenever any provision of this Article 4 requires the approval of or action by the Owners, such approval or action shall require the consent of at least two-thirds (2/3) of the owners of the Lots which (i) are then on record with the Office of the County Clerk of Santa Fe County and (ii) are currently used for residential purposes. For purposes of determining this consent, each such Lot, existing at the time of execution of this Declaration or created subsequently to such execution by a permitted combination, subdivision or Lot split, shall have one (1) vote, regardless of the number of Owners of record of the particular Lot.

4.2 *Determination of the Need for Maintenance.* At least once a year, and at least seventy-five (75) days prior to the end of the calendar year, a meeting of the Owners shall be held, or the Owners' views shall be otherwise solicited, to determine whether road maintenance is needed, and what such maintenance should be. All Owners shall be consulted, and no road maintenance of any kind shall be undertaken without such consultation. All road maintenance shall require approval as set forth in Section 1 of this Article.

4.3 *Apportionment of Expenses.* If road maintenance is approved as set forth above, the costs for such road maintenance shall be apportioned among the Owners approximately in proportion to the length of the road from Camino de la Cruz Blanca to the respective Lots, or in some other equitable manner agreed upon by the Owners in accordance with Section 1 of this Article.

4.4 *Mutual Covenants to Pay Apportionments.* The Owners covenant and agree with each other to pay all apportionments as determined hereunder, except that no Owner shall be required to pay more than \$400.00 (four hundred dollars) plus 5% for each year after 2005, in any calendar year.

4.5 *Personal Debt of Owner.* The amount of road maintenance expense apportioned to the Owners shall be the personal and individual debt of the Owner of record thereof at the time the apportionment is made. Suit to recover a money judgment for unpaid assessments shall be maintainable.

4.6 *Prior Agreement.* On or about June 8, 1986, some of the Owners signed a Road Maintenance Agreement. As among the Owners who have executed both this Declaration and said Agreement, this Declaration shall control.

**ARTICLE 5  
GENERAL PROVISIONS**

6.1 *Enforcement.* Any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, servitudes, reserva-

SFC OF CLERK RECORDED 12/27/2005

tions, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by a party to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. Any Owner may enforce this Declaration regardless of whether the enforcement sought concerns a Lot that is contiguous to the Owner's Lot. Any waiver of any requirement of this Declaration with respect any Lot shall not be deemed a waiver of such requirement with respect to any other Lot. Violations of any requirement of this Declaration in existence on the effective date of this Declaration shall not be deemed a waiver with respect to any subsequent violations.

6.2 Notices. Any notices required or permitted to be delivered hereunder shall be deemed to be delivered when personally delivered to the respective addressee or upon deposit of the same in the United States mails, postage prepaid, certified or registered mail, return receipt requested at the address shown below.

6.3 Severability. Invalidation of any provision of this Declaration by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

6.4 Exhibits. Each and every exhibit attached hereto is incorporated herein by this reference.

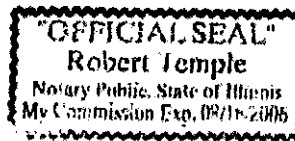
6.5. The covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years; provided, however, that (i) Owners holding at least sixty percent (60%) of the total number of existing Lots may execute and acknowledge an appropriate instrument within one (1) year and not less than ninety (90) days prior to the expiration of said initial twenty (20) year period or prior to the expiration of any ten (10) year extension period thereafter, that provides a release of the land subject hereto from all of the restrictive covenants contained in this Declaration, or a change, amendment, modification or revision of any of the restrictive covenants; or (ii) Owners holding at least eighty percent (80%) of the total number of existing Lots may execute and acknowledge an appropriate instrument at any time, that provides a change, amendment, modification or revision of any, but less than all, of the restrictive covenants, except as prohibited herein. Every amendment or release must be recorded in the real estate records of Santa Fe County, New Mexico.

6.6 Binding Effect. This Declaration shall be binding upon and shall inure to the benefit of the Owners and their respective heirs, successors and assigns, including lessees, easement holders, licensees, and invitees, and shall run with the land.

IN WITNESS WHEREOF, Owners have executed this Declaration this 7<sup>th</sup> day of Nov 2005.

Talaya Hill Covenants, 10/24/05

*[Handwritten signature]*  
*[Handwritten signature]*



Page 6

*[Handwritten initials]*

REC'D CLERK RECORDED 12/27/2005

**EXHIBIT A  
LOTS**

Tracts 1-A and 1-B as shown on a plat of survey entitled "Lands of Pamela Messer" recorded on 2 October, 1979, in Book 72, page 13, records of Santa Fe County, New Mexico.

Tracts 2 and 4 as shown on a plat of survey entitled "Lands of J. W. Schepps, A. L. Thomas, A. Walpole & P. Pinnell, Jr." recorded on 23 September, 1977, in Book 57, page 7, records of Santa Fe County, New Mexico.

Lot 1, Tract 3 as shown on a plat of survey entitled, "Lot Consolidation and Lot Line Adjustment Survey of the 'Paige Pinnell Replat'" recorded on 8 February 1996, in Book 326, page 40, records of Santa Fe County, New Mexico.

Tract 5A as shown on a plat of survey entitled, "Fineberg Subdivision" recorded on 25 February 1986, in Book 161 page 49, records of Santa Fe County, New Mexico.

RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO )

COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 18 day of November, 2005

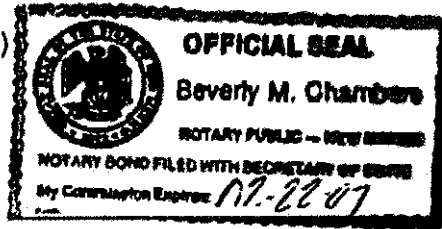
Pamela Messer

*Pamela Messer*

*Beverly M. Chambers*  
Notary Public

My commission expires: 07-22-07

(Seal)



CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO )

COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of November 2005

*William H. Donahue*  
*Dana Densmore*

William H. Donahue and Dana Densmore

*Lois E. Kelly*  
\_\_\_\_\_  
Notary Public

My commission expires: 8/12/07

(Seal)



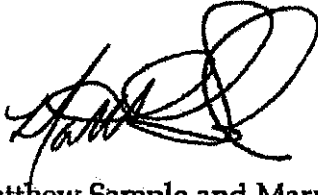
CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

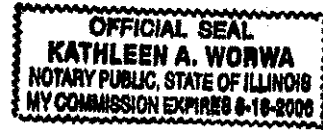
STATE OF ILLINOIS )

COUNTY OF LAKE )

The foregoing instrument was acknowledged before me this 19 day of August 2005

 Mary Sample

Matthew Sample and Mary Sample



  
Notary Public

My commission expires: 8-18-2008

(Seal)


SPRINGFIELD CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO )

COUNTY OF SANTA FE )

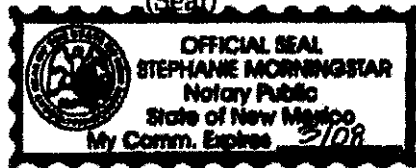
The foregoing instrument was acknowledged before me this 19 day of ~~NOVEMBER~~ 2005

 *Cynthia Christian*  
Alton Walpole and Cynthia Christian

  
Notary Public

My commission expires: 3/08

(Seal)



REC'D CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO )

COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14 day of NOVEMBER, 2005

*[Signature]* Richard Ferber

*[Signature]* Polly T Ferber

Richard Ferber and Polly Tapia Ferber

*[Signature]*  
Notary Public JENNIFER VELASQUEZ

My commission expires: 3-30-08

(Seal)



RECORDED & INDEXED 12/27/2005

ACKNOWLEDGMENT

STATE OF TEXAS )

COUNTY OF DALLAS )

The foregoing instrument was acknowledged before me this 16 day of July, 2005

*Kenneth Lowe & Mary Ann Lowe*  
Kenneth Lowe and Mary Ann Lowe

*Gheryl Collins*  
Notary Public

My commission expires: 7/16/06

(Seal)



*Valerie Espinoza*

REC'D CLERK RECORDED 12/27/2005

**Variance from minimum lot size for lots in Difficult and Mountainous Terrain  
Section 14-9.2.8(e)**

**(C) Approval Criteria**

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

*Mr. Walpole bought the subject lot in 1977. The ordinance adopting the standards for "Difficult and Mountainous Terrain" were not adopted until 1987 Mr. Walpole had the right to split his lot allowing for two lots on the 5.6 acre parcel. The proof of ownership is provided by warranty deed and plat in Exhibit A-1.*

(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

*There is the issue of the cumulative impact of the .75 reduction on lots with no city water and city sewer where the minimum lot size is 2.5 acres. For example, a 10 acre lot zoned R-1, with city water and sewer, or city water or city sewer would be permitted one dwelling per acre or 10 lots assuming there is no flood plain. If the 10 acre lot is located in an area of Difficult and Mountainous Terrain the number of lots is:  $10 \times .75 = 7.5$  lots. A fractional density must be reduced to the next whole number which in this case results is 7 lots. If the same 10 acre lot has no city water or city sewer the number of lots is reduced to 4 ( $10 \div 2.5 = 4$ ), and with the required .75 reduction the maximum number of lots would be 3, which is considerably less than the seven lots permitted with city sewer and city water.*

*Due to ordinances that have been adopted since the area of Difficult and Mountainous Terrain was imposed, such as maximum height of retaining walls, management of storm water runoff, mandatory revegetation, limitation on the heights of cut and fill slopes, escarpment regulations,*

*and limits on height of structures the impact on the hillside from a visual and terrain management standpoint have been considerably reduced.*

*The requirement for a 2.5 acre minimum lot size for lots created in the area of Difficult and Mountainous Terrain would by itself accomplish the goal of protecting Santa Fe's hillsides. Drilling a well on the lot does not create any significant disturbance to the land. Leach fields required for liquid waste disposal must be approved by the New Mexico Environment Department and can follow the contours of the land snaking in and out of trees. The 2.5 acre minimum lot size by itself accomplishes the intent of the area of Difficult and Mountainous Terrain and the cumulative impact of adding a further reduction in density does nothing to further protect the hillside environment.*

(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

*There are 5 lots in the same area served by Camino Cruz Blanc that are less than the lot size of 3.3 acres, all of which are not served by city water or city sewer. Mr. Walpole is seeking approval of what has either been allowed by the city or lots that existed prior to the adoption of the area of Difficult and Mountainous Terrain. The location of these lots is shown on Exhibit A-2.*

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

*There are other lots in close proximity to Mr. Walpole that are equal or lesser in size to the lots proposed by Mr. Walpole. The area of Difficult and Mountainous Terrain is not a zoning district nor an overlay district. It is clear that the minimum lot size from a zoning standpoint per Table 14-7.2-1 is one dwelling per 2.5 acres. Mr. Walpole can comply with that requirement since he has 5.6 acres of land and can divide them in such a way that each is a minimum of 2.5 acres.*

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

*Mr. Walpole currently has his residence on the 5.6 acre lot. A lesser intensity without a variance would mean that he is unable to create another lot putting Mr. Walpole at a disadvantage to other lots created in the area that are less the 3.3 acres required by the City.*

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

*The general plan promotes infill within the urban area. The proposed lot split is in conformance with the mandatory density of 2.5 acres but short of the additional reduction in lot size created by the cumulative impact of imposing the dimensional standard of the area of Difficult and Mountainous Terrain.*

(5) The variance is not contrary to the public interest.

*At the Early Neighborhood Notice meeting the majority of owners of lots served by Camino Cruz Blanca attended the virtual meeting. All owners attending the virtual meeting were in support of the variance for the lot split. There is no impact to the broader public since any additional construction on the property would have limited visibility from outside the immediate area of the properties served from Camino Cruz Blanca.*

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

SPECIAL WARRANTY DEED

Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Finnell, Jr., a single man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, for consideration paid grants to Alton Walpole, as his sole and separate property, whose address is Santa Fe, New Mexico, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract Four, containing 5.620 acres ±, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717;

TOGETHER with an easement for ingress and egress for any purpose and an easement for utility purposes in and upon that certain road and parking easement as more particularly described and shown on the aforesaid Plat of Survey, AND grantors and grantee covenant that the grantee shall be obligated to pay one-fifth of all expenses which may be required to maintain the road described on the Plat of Survey in a passable condition for the purposes of the heretofore described easements with said covenant to run with the land; and

SUBJECT TO that certain Mortgage recorded March 18, 1976 in Book 247, page 902 of the records of Santa Fe County and any other easements, restrictions or covenants of record.

with special warranty covenants.

WITNESS our hands and seals this 14th day of October,

1977.

Ann Randolph Nichols  
Ann Randolph Nichols, Attorney  
in Fact for Paige Finnell, Jr.

Joseph William Schepps  
Joseph William Schepps

354128

Arthur L. Thomas  
Arthur L. Thomas

Alton Walpole  
Alton Walpole

STATE OF NEW MEXICO )  
                                  : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Randolph Nichols, Attorney in fact for Paige Pinnell, Jr.

Juliet R. Langford  
Notary Public



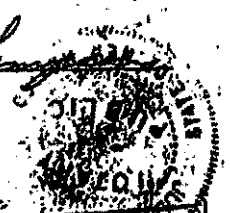
My Commission Expires:

6/21/80

STATE OF NEW MEXICO )  
                                  : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Juliet R. Langford  
Notary Public



My Commission Expires:

6/21/80

CC. - FY. OF SANTA FE )	409-851
ST. FE. CP. NEW MEXICO )	
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED	
ON THE <u>17</u> DAY OF <u>Oct.</u> A.D.	
<u>1977</u> AT <u>11:11</u> O'CLOCK <u>A.M.</u>	
FILED IN MY BOOK _____	
_____ CLERK OF SANTA FE COUNTY	
COUNTY CLERK, Santa Fe County, N.M.	
<u>Heidi Bauls</u>	Deputy



354127

STATE OF NEW MEXICO )  
 )  
 ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Juliet R. Simpson  
Notary Public



My Commission Expires:

6/21/80

STATE OF NEW MEXICO )  
 )  
 ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Juliet R. Simpson  
Notary Public



My Commission Expires:

6/21/80

WARRANTY DEED

ANN RANDOLPH NICHOLS, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception No. 409,716 for PAIGE PINNELL, JR., a single man dealing with his separate property; JOSEPH WILLIAM SCHEPPS, a single man; ARTHUR L. THOMAS, a single man; and ALTON WALPOLE, a single man, for consideration paid, grant to PAMELA J. MESSER, a single woman and PATRICK N. CAFFEE, a single man as tenants in common, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract One, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, no. plat #408,717.

SUBJECT TO: Reservations, restrictions and easements of record and taxes for 1977 and subsequent years.

with warranty covenants.

~~WITNESS OUR HANDS and seals this 1st day of November, 1977.~~

PAIGE PINNELL, JR.

Ann Randolph Nichols  
By: Ann Randolph Nichols,  
Attorney in Fact

ARTHUR L. THOMAS

Joseph William Schepps  
JOSEPH WILLIAM SCHEPPS

ALTON WALPOLE

STATE OF NEW MEXICO )  
                                  ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 1st day of November, 1977 by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr., Joseph William Schepps, Arthur L. Thomas and Alton Walpole.

\_\_\_\_\_  
Notary Public

My Commission Expires:

MUTUAL EASEMENT

IT IS AGREED BY AND BETWEEN Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a married man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, AND Frank Chapman dealing in his sole and separate property; and Frank Chapman, as Attorney in Fact for Robert K. Potter, Jr., pursuant to that Power of Attorney recorded in the County of Santa Fe, New Mexico;

WITNESS, the parties hereto, for mutual consideration, hereby grant onto each other, a perpetual easement upon the following described lands, for ingress and egress for any purpose and an easement for utility purposes in and upon that portion of a road described on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J.W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO, filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717 as more particularly described as follows, to-wit:

That portion of said road lying upon tract one and that portion of said road lying upon the lands designated "now or formerly Frank Chapman" as described in said heretofore described Plat of Survey.

This easement is superior and paramount to the rights of any of the parties hereto in the respective servient estates so created, and that it is a covenant running with the land.

WITNESS our hands and seals this 14th day of October, 1977.

Ann Nichols Nichols  
Ann Nichols, Attorney in Fact  
for Paige Pinnell, Jr.

Joseph William Schepps  
Joseph William Schepps

Arthur L. Thomas  
Arthur L. Thomas

Alton Walpole  
Alton Walpole

Frank Chapman  
Frank Chapman

Frank Chapman  
Frank Chapman, Attorney in Fact  
for Robert K. Potter, Jr.

STATE OF NEW MEXICO )  
                                  : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th  
day of October, 1977, by Ann Nichols, Attorney in Fact for  
Paige Pinnell, Jr.

Juliet R. Livingston  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
                                  : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th  
day of October, 1977, by Joseph William Schepps.

Juliet R. Livingston  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
                              : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th  
day of October, 1977, by Arthur L. Thomas.

Arthur L. Thomas  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
                              : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th  
day of October, 1977, by Alton Walpole.

Arthur L. Thomas  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
                              : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 5th  
day of October, 1977, by Frank Chapman.

Lela L. Smith  
Notary Public

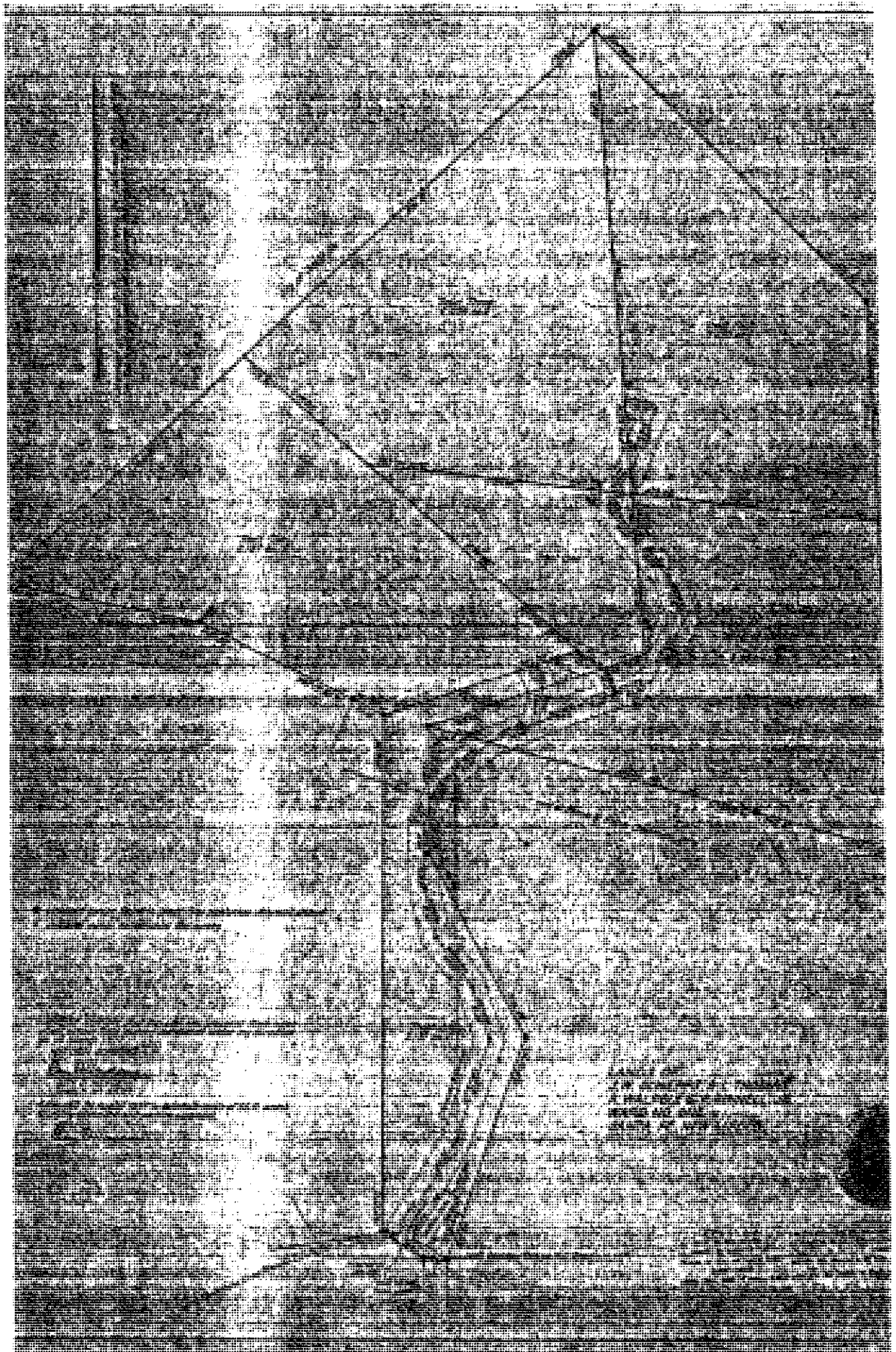
My Commission Expires:  
April 18, 1979

STATE OF NEW MEXICO )  
                              : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 5th  
day of October, 1977, by Frank Chapman, Attorney in Fact  
for Robert K. Potter, Jr.

Lela L. Smith  
Notary Public

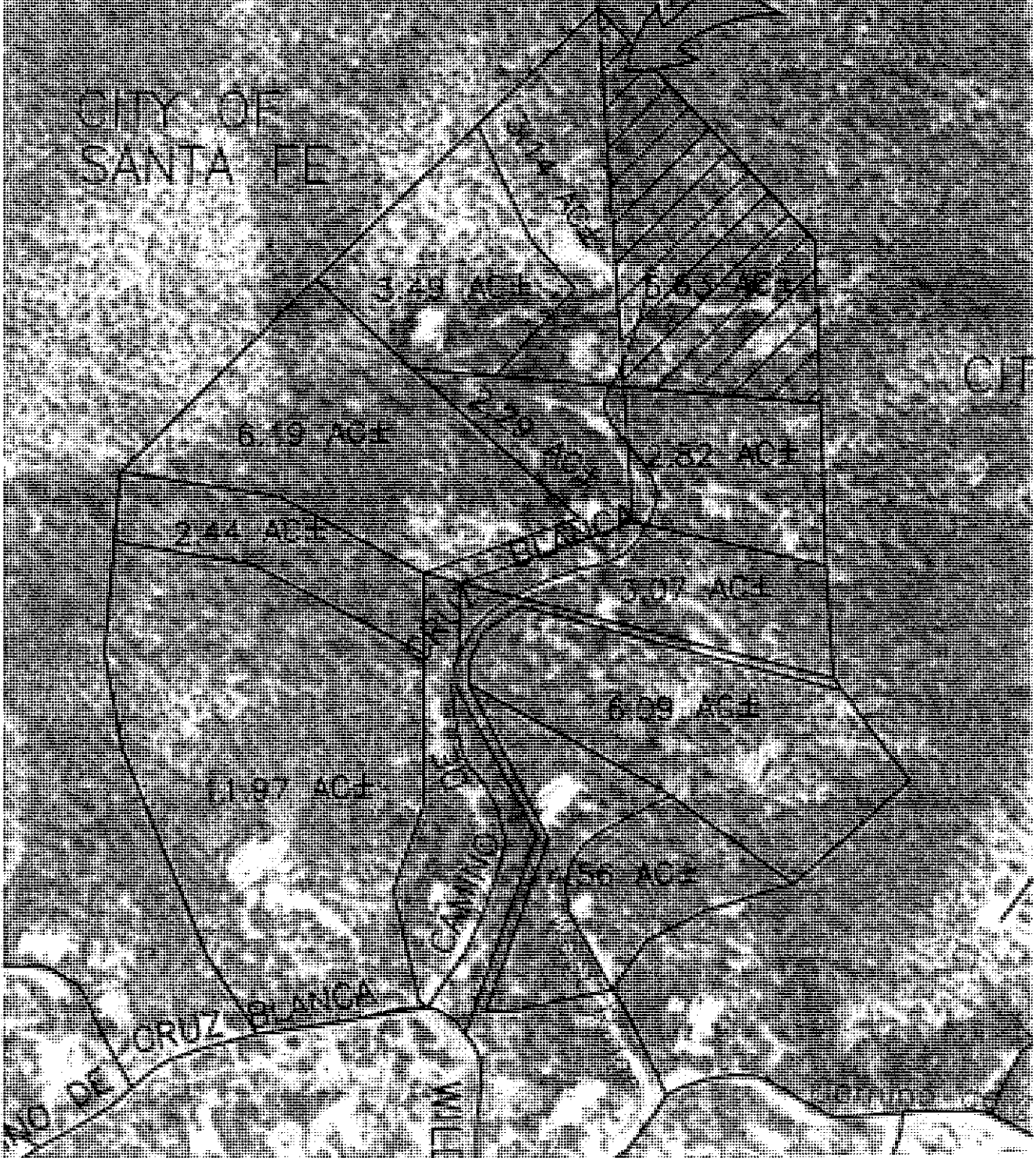
My Commission Expires:  
April 18, 1979



# SITE

CITY OF  
SANTA FE

CIT



UNCLASSIFIED DATE 08/08/2018 BY 60322 UCBAW/BJS	ALTON WILPOLE 1/1/2017	10/1/2017
210 WILSON STREET, SUITE 410, SANTA FE, NM 87505 505.825.1111	IDENTITY MAP	10/1/2017

Exhibit A-2

**Variance requested: Maximum of 8 lots on 10 road**

**Section 14-9.2-1**

**(C) Approval Criteria**

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

*Camino Cruz Blanca has existed since 1970's. It is a narrow road due principally to the rocky nature of the area and the desire to disturb no more than was necessary to protect the natural vegetation of the area. The city has recognized these lots as legal lots of record by the authorization of building permits. The developed road width varies from 13-15 feet. There were few standards at the time that the lots were created and the private road was constructed. Section 14-9.2-1 of the City Code does allow up to eight homes on a roadway of this width. Discussions with the Fire Marshal have indicated that a ninth home served by this road would be acceptable. The final decision on this matter awaits the Fire Marshal review. Under the International Fire Code the Fire Marshal has the discretion to allow homes on a roadway of less than 20 feet.*

(b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

(d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing or significant property* pursuant to Section 14-5.2 (Historic Districts).

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

*The road cross section for a 9 lots would be a 42 foot easement or right-of-way with two travel lanes of 9 feet, curb and gutter on each side of two feet, a 5 foot planter strip and a 5 foot sidewalk. The Planning Commission is granted the discretion by the City Code to allow for other types of road based the local circumstance. "The arrangement of streets in a development shall: (b) "conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to*

*existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area.*

(3) The *intensity of development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

*Other properties in the area are already smaller in size than what is proposed by Mr. Walpole.*

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

*The property can remain in its current state but there is a certain injustice created by the fact that other subdivisions have taken place where lots are smaller than proposed by Mr. Walton.*

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.

*The Planning Commission is granted the authority by Code to allow for roads that are more representative of the development pattern in the existing neighborhood. This is certainly the case where this private road has existed since the 1970's. The general plan does state that the character of the surrounding neighborhood should be recognized when considering new development.*

(5) The variance is not contrary to the public interest.

*At the ENN the neighbors and residents of the larger subdivision were universally in support of the lot split. There is no adverse impact on the large interpretation of public interest.*

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

SPECIAL WARRANTY DEED

Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a single man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, for consideration paid grants to Alton Walpole, as his sole and separate property, whose address is Santa Fe, New Mexico, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract Four, containing 5.620 acres +, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717;

TOGETHER with an easement for ingress and egress for any purpose and an easement for utility purposes in and upon that certain road and parking easement as more particularly described and shown on the aforesaid Plat of Survey, AND grantors and grantees covenant that the grantees shall be obligated to pay one-fifth of all expenses which may be required to maintain the road described on the Plat of Survey in a passable condition for the purposes of the heretofore described easements with said covenant to run with the land; and

SUBJECT TO that certain Mortgage recorded March 18, 1976 in Book 247, page 902 of the records of Santa Fe County and any other easements, restrictions or covenants of record.

with special warranty covenants.

WITNESS our hands and seals this 14th day of October,

1977.

*Ann Randolph Nichols*

Ann Randolph Nichols, Attorney  
in Fact for Paige Pinnell, Jr.

*Joseph William Schepps*

Joseph William Schepps

354120


Arthur L. Thomas  
Arthur L. Thomas

Alton Walpole  
Alton Walpole

STATE OF NEW MEXICO )  
                                  : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr.

Juliet R. Simpson  
Notary Public




My Commission Expires:

6/21/80

STATE OF NEW MEXICO )  
                                  : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Juliet R. Simpson  
Notary Public



My Commission Expires:


6/21/80

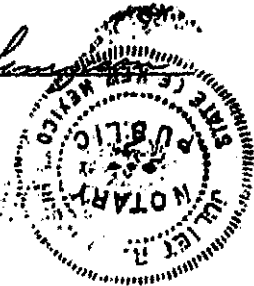
CR. OF SANTA FE )  
COUNTY OF NEW MEXICO ) 407,251  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
ON THE 17 DAY OF SEP. A.D.,  
1977 AT 11:00 O'CLOCK A.M.  
IN MY BOOK \_\_\_\_\_  
\_\_\_\_\_  
CLERK OF SANTA FE COUNTY  
COUNTY CLERK'S OFFICE  
SANTA FE COUNTY, N.M.  
Heleen Paula  
Deputy

854127

STATE OF NEW MEXICO )  
  : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th  
day of October, 1977, by Arthur L. Thomas.

  
\_\_\_\_\_  
Notary Public




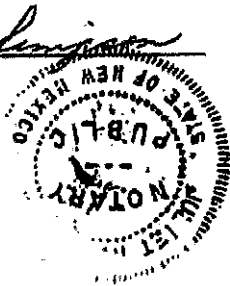
My Commission Expires:

6/21/80

STATE OF NEW MEXICO )  
  : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th  
day of October, 1977, by Alton Walpole.

  
\_\_\_\_\_  
Notary Public



My Commission Expires:

6/21/80

WARRANTY DEED

ANN RANDOLPH NICHOLS, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception No. 409,716 for PAIGE PINNELL, JR., a single man dealing with his separate property; JOSEPH WILLIAM SCHEPPS, a single man; ARTHUR L. THOMAS, a single man; and ALTON WALPOLE, a single man, for consideration paid, grant to PAMELA J. MESSER, a single woman and PATRICK N. CAFFEE, a single man as tenants in common, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract One, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, no. plat #408,717.

SUBJECT TO: Reservations, restrictions and easements of record and taxes for 1977 and subsequent years.

with warranty covenants.

~~WITNESS OUR HANDS and seals this 1st day of November, 1977.~~

PAIGE PINNELL, JR.

*Ann Randolph Nichols*  
By: Ann Randolph Nichols,  
Attorney in Fact

*Arthur L. Thomas*  
ARTHUR L. THOMAS

*Joseph William Schepps*  
JOSEPH WILLIAM SCHEPPS

*Alton Walpole*  
ALTON WALPOLE

STATE OF NEW MEXICO )  
                                  ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 1st day of November, 1977 by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr., Joseph William Schepps, Arthur L. Thomas and Alton Walpole.

My Commission Expires:

\_\_\_\_\_  
Notary Public

MUTUAL EASEMENT

IT IS AGREED BY AND BETWEEN Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a married man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, AND Frank Chapman dealing in his sole and separate property; and Frank Chapman, as Attorney in Fact for Robert K. Potter, Jr., pursuant to that Power of Attorney recorded in the County of Santa Fe, New Mexico;

WITNESS, the parties hereto, for mutual consideration, hereby grant onto each other, a perpetual easement upon the following described lands, for ingress and egress for any purpose and an easement for utility purposes in and upon that portion of a road described on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J.W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO, filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717 as more particularly described as follows, to-wit:

That portion of said road lying upon tract one and that portion of said road lying upon the lands designated "now or formerly Frank Chapman" as described in said heretofore described Plat of Survey.

This easement is superior and paramount to the rights of any of the parties hereto in the respective servient estates so created, and that it is a covenant running with the land.

WITNESS our hands and seals this 14th day of October, 1977.

Ann Nichols  
Ann Nichols, Attorney in Fact  
for Paige Pinnell, Jr.

Joseph William Schepps  
Joseph William Schepps

Arthur L. Thomas  
Arthur L. Thomas

Alton Walpole  
Alton Walpole

Frank Chapman  
Frank Chapman

Frank Chapman  
Frank Chapman, Attorney in Fact  
for Robert K. Potter, Jr.

STATE OF NEW MEXICO )  
                                  ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Nichols, Attorney in Fact for Paige Pinnell, Jr.

Juliet R. Sangster  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
                                  ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Juliet R. Sangster  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Robert K. Langston  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Robert K. Langston  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 5th day of October, 1977, by Frank Chapman.

Robert K. Smith  
Notary Public

My Commission Expires:  
April 18, 1979

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF SANTA FE )

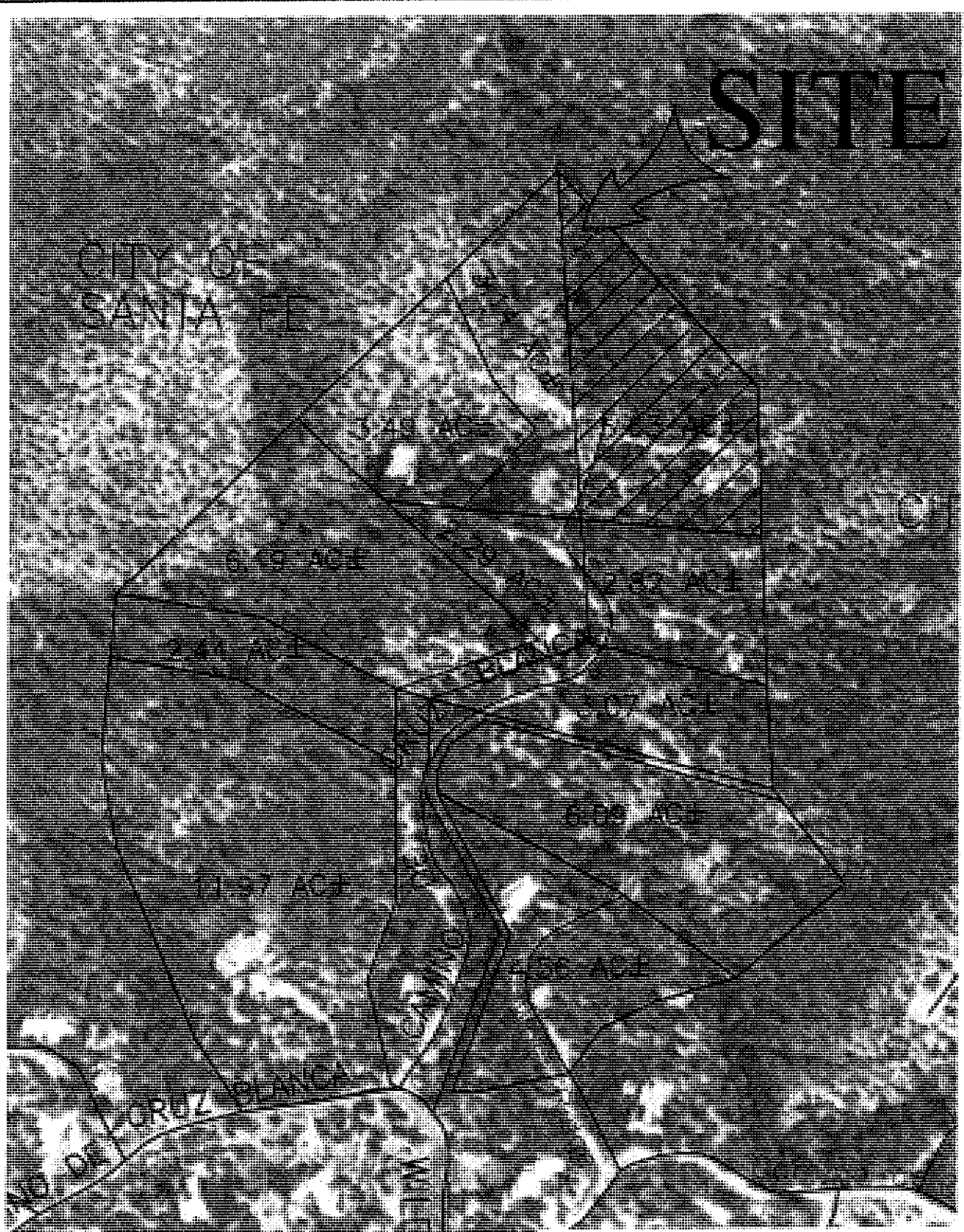
The foregoing instrument was acknowledged before me this 5th day of October, 1977, by Frank Chapman, Attorney in Fact for Robert K. Potter, Jr.

Robert K. Smith  
Notary Public

My Commission Expires:  
April 18, 1979

# SITE

CITY OF  
SANTA FE




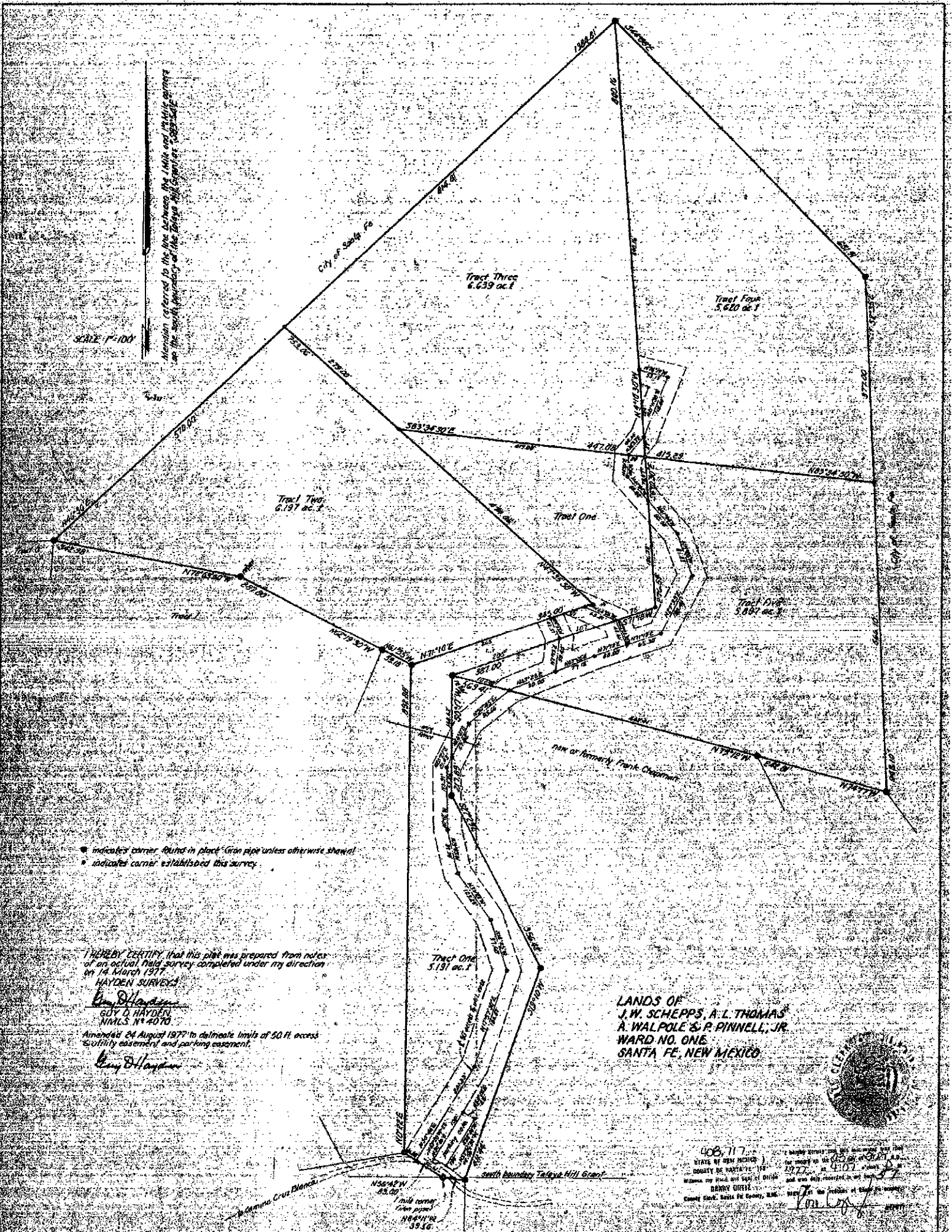
<b>JAMES H. SEGERT</b> OWNER	<b>ALTON BOLFOLE</b> AGENT	<b>10/1/2007</b>
<b>SECURITY MAP</b>	<b>SECURITY MAP</b>	

Exhibit A-7



Meridian referred to the line between the White and Patten corners  
 on the south boundary of the Talaya Hill Grant, 1885-1886.

SCALE 1"=100'

- indicates corner found in place. Iron pipe unless otherwise shown.
- indicates corner established this survey.

I HEREBY CERTIFY that this plat was prepared from notes  
 of an actual field survey completed under my direction  
 on 14 March 1977.  
**HAYDEN SURVEYS**  
*Gay D. Hayden*  
 GUY D. HAYDEN  
 NMLS #14070  
 Amended 24 August 1977 to delineate limits of 50 ft. access  
 utility easement and parking easement.  
*Gay D. Hayden*

**LANDS OF**  
**J. W. SCHEPPS, A. L. THOMAS**  
**A. WALPOLE & P. PINNELL, JR.**  
**WARD NO. ONE**  
**SANTA FE, NEW MEXICO**



408, 117  
 STATE OF NEW MEXICO  
 COUNTY OF SANTA FE  
 1977, at 4:01 o'clock  
 and was duly received, read and  
 signed by me in presence of  
 HARRY GIBBS, County Clerk  
 County Clerk, Santa Fe County, N.M.  
*[Signature]*

**Variance from Road Design Standards** (allowing 1 additional unit on a 14 to 15-foot private road.

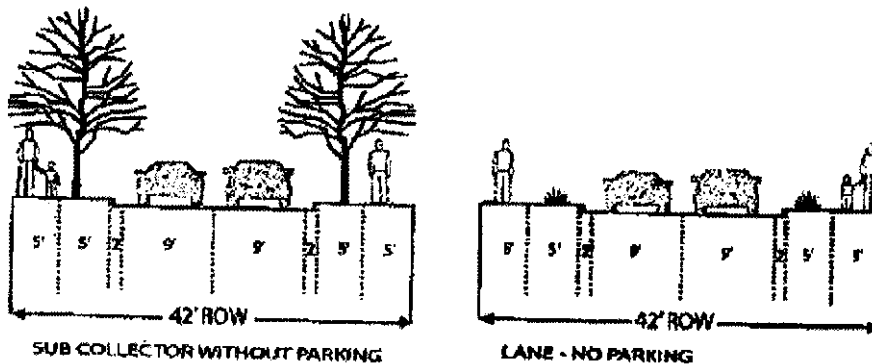
**Approval Criteria**

Subsections 14-3.16(C)(1) through (5) and, if applicable, to grant a variance.

- (1) One or more of the following special circumstances applies:
  - (a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

*The road has existed since late 1970 and has been improved on an annual basis, is in excellent condition. The road is maintained by a road sharing agreement. All lot owners using the road participate in cost for repairs and improvements.*

- (2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.



*The width of a road consistent with City standards for 9 lots would require the above cross section for a 42-foot road which is not feasible nor is it consistent with low density, rural nature of the area.*

- (3) The *intensity* of development shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

CASE# 2020-2592 11/23 Camino De Cruz  
Blanca

Other lots served by Camino Cruz Blanca are similar in size to the resulting lots if the variance were approved. While the lot size is less than required by the Difficult and Mountainous regulation, it is consistent with 2.5 acre minimum standard of the City Code.

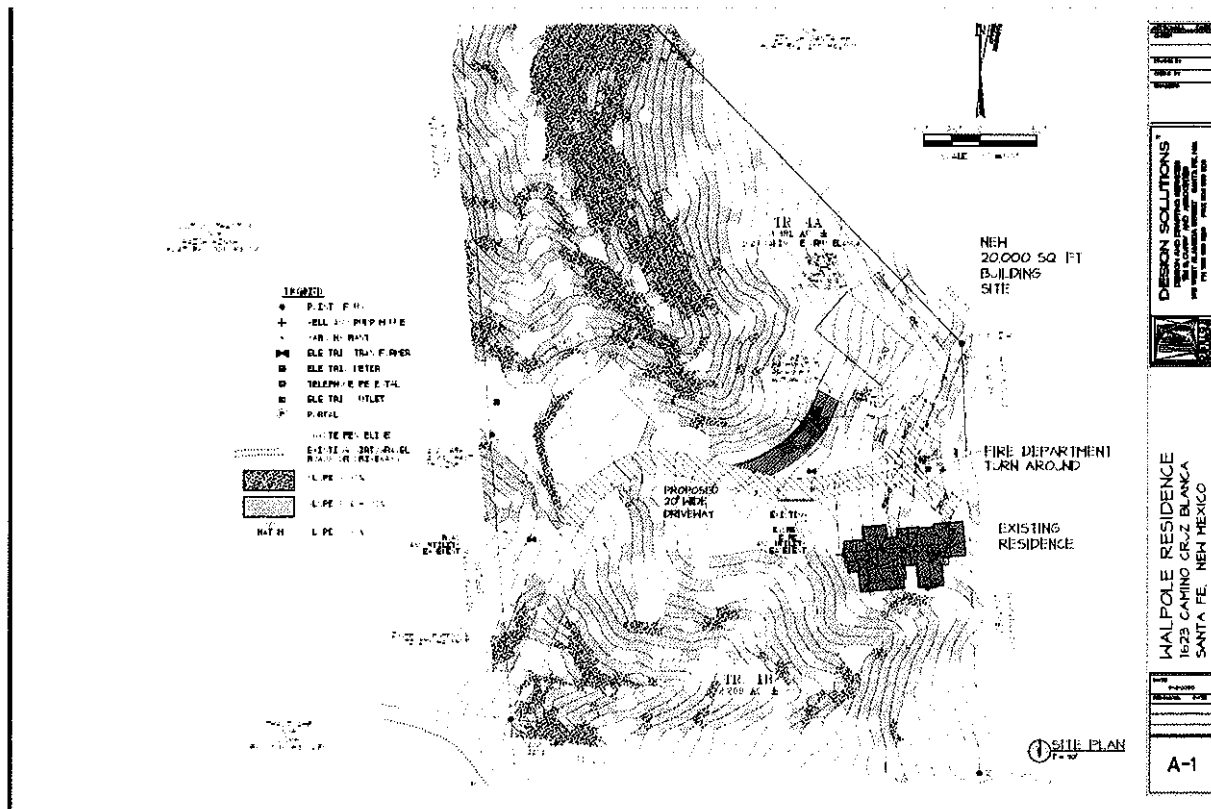
(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

A variance is required to create an additional lot. Assuming the variance from the Difficult and Mountainous Terrain regulation is approved, the lots would not be inconsistent with from the other lots served by the private road.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

The Road is currently in excellent shape. There are turnouts at regular intervals to allow for vehicles to pull over and let fire trucks pass. There is a road sharing agreement for road maintenance and all lot owners participate in the agreement. The new driveway to the proposed building site can satisfy all requirements of the City Codes.



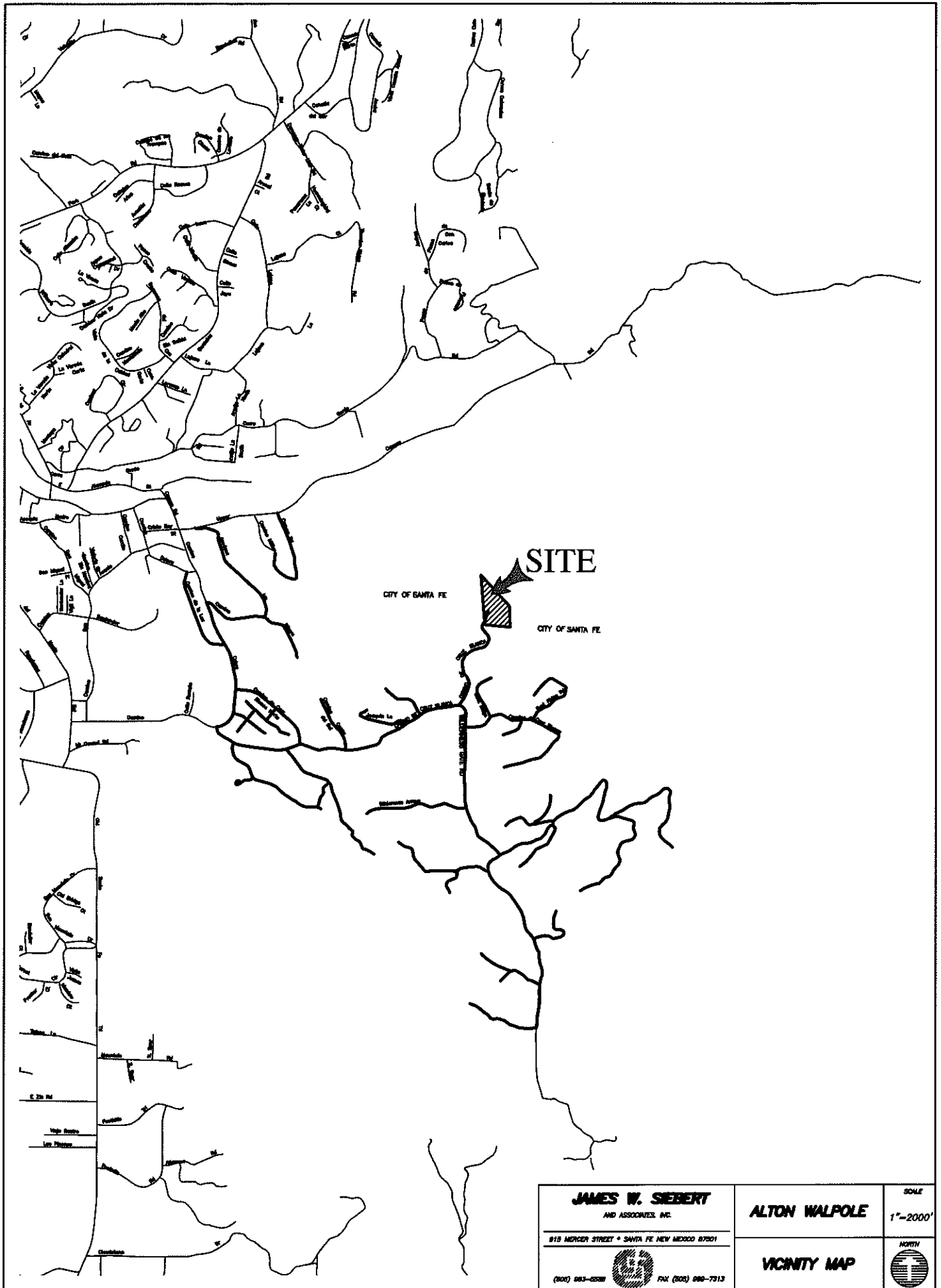
(5) The variance is not contrary to the public interest.

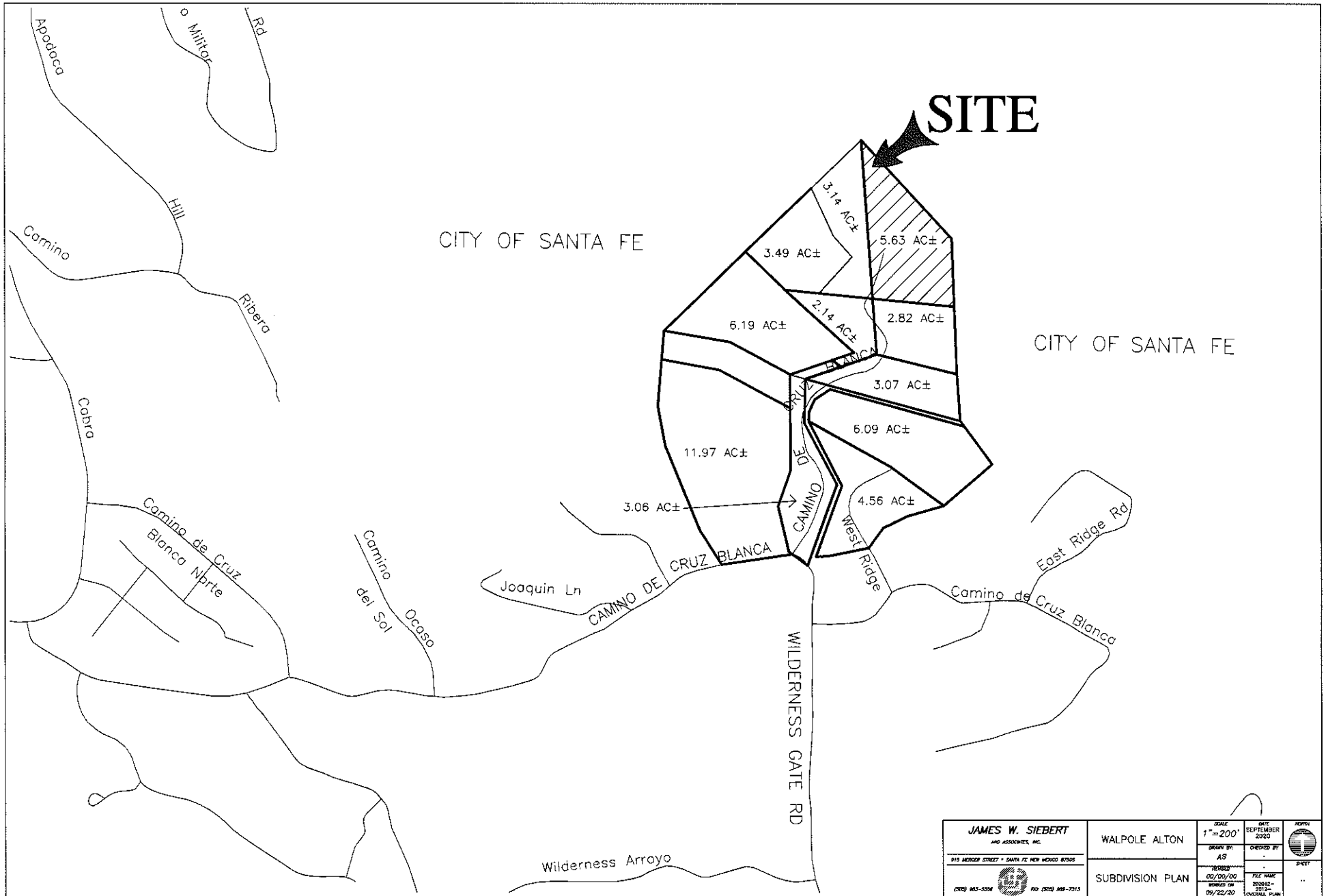
*The Subdivision residents are in agreement with the lot split and minimal impact to traffic on the existing private road.*

Prepared by-  
James W. Siebert  
22<sup>nd</sup> September 2020

**Variance from minimum lot size for lots  
in Difficult and Mountainous Terrain  
Section 14-9.2.8(e)**

CASE# 2020-002499  
2020-002592







**SITE**

CITY OF SANTA FE

CITY OF SANTA FE

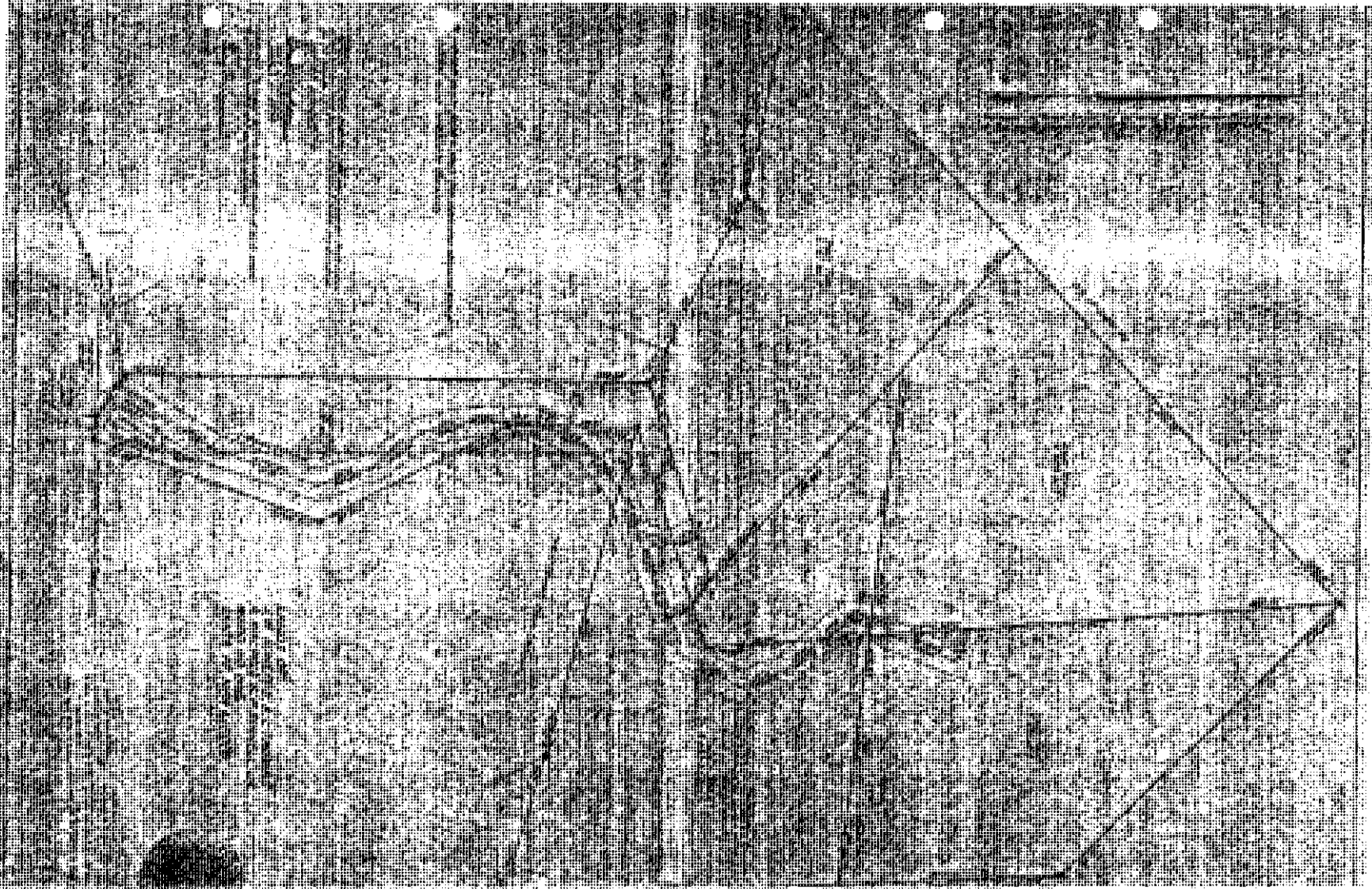
<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. <small>915 MERCER STREET • SANTA FE NEW MEXICO 87505</small>	SCALE <b>1"=200'</b>	DATE <b>SEPTEMBER 2020</b>	 NORTH
	DRAWN BY: <b>AS</b>	CHECKED BY: -	
 <small>0020 965-6336      910 2020 969-7311</small>	<b>SUBDIVISION PLAN</b>		FILE NAME <b>202012-2020-09/22/20</b> <small>OVERALL PLAN</small>

## **APPROVAL CRITERIA**

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;



Difficult and mountainous terrain regulations adopted in 1987

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

## **Comparative analysis R-1 without city water or sewer to R-1 with city water & sewer**

10 acre lot in difficult and mountainous terrain with R-1 Zoning.

R-1 allows one dwelling/acre with water & sewer, or either water or sewer.

$10 \times 1 = 10$  dwellings on tract

$10 \times 0.75$  for Difficult & Mountainous Terrain = 7.5 ~ 7 (rounded down)

10 acre lot in Difficult & Mountainous Terrain with no city sewer or city water

$10 / 2.5 = 4$  Dwellings  $\times .75 = 3$

7 DU/Acre vs 3 DU/Acre

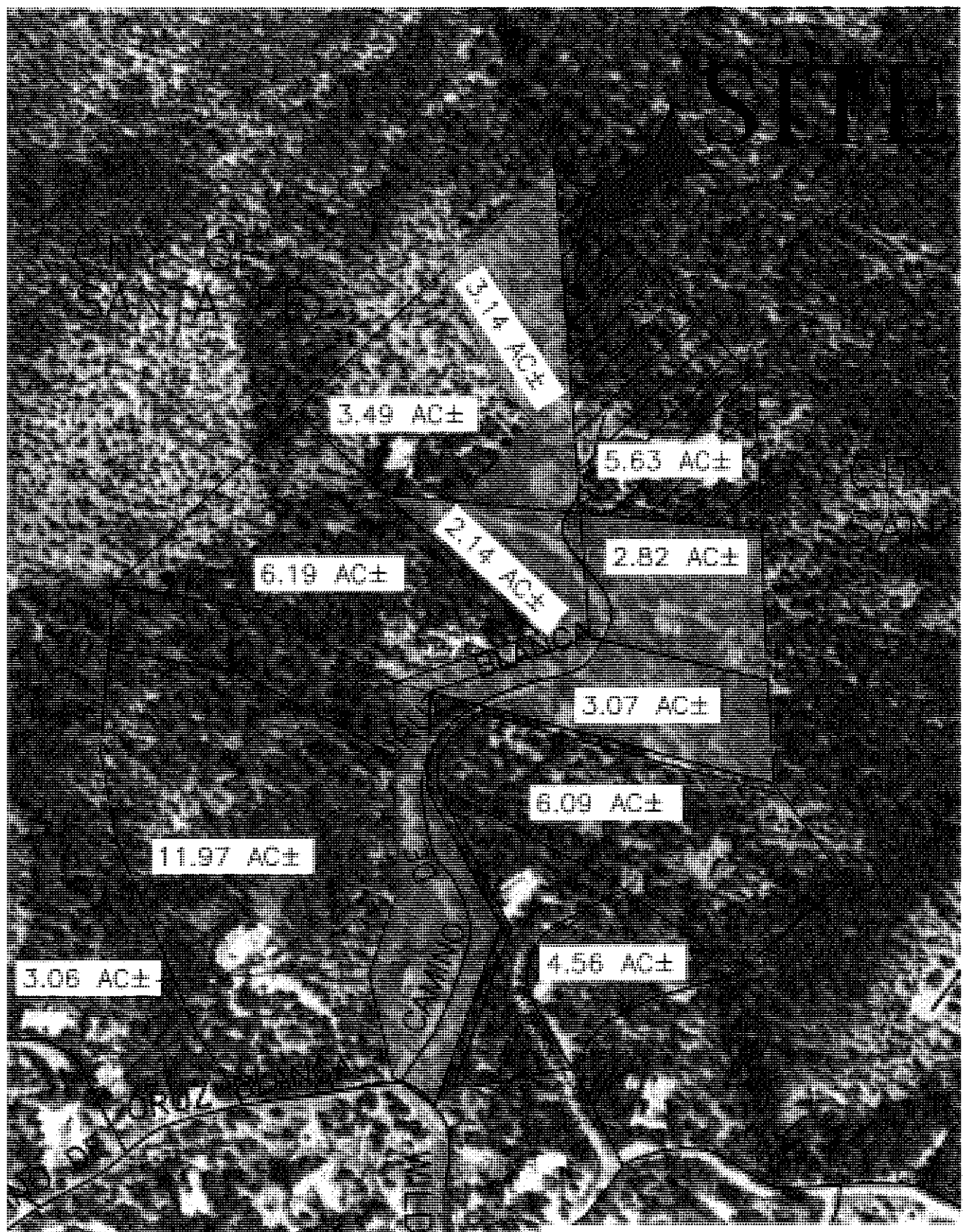
R-1 requires 1.375 acre lot to satisfy DMT,  $1.375 \times 0.75 = 1.00 \pm$



R-1 without city water or sewer,  $3.33 \times 7.5 = 2.5 \pm$

*Since 1987 other city regulations have been adopted to protect hillside development such as limitation of heights of cut & fill slopes, height of retaining walls, percent of slopes, stormwater drainage management.*

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

# SUBDIVISION



<b>JAMES H. SHERIFF</b> AND ASSOCIATES, INC. <small>1000 BROADWAY STREET - SUITE 200 NEW YORK, NY 10018</small>	<b>ALTON WALPOLE</b> <small>17-210</small>
 <small>(908) 945-3300 FAX (201) 309-7512</small>	<b>IGNITY MAP</b> 

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

*Based on surrounding lots, the requested lot split is generally of the same or lesser intensity of development.*

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

*In order to achieve a similar intensity of use to what exists in the area in the vicinity of Mr. Walpole, a variance is required to accomplish a lot split.*

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

*The lot split is consistent with the minimum lot size for R-1 Zoning without city water or city sewer. It satisfies the intent of the city code by maintaining lot sizes consistent with adjoining and nearby lots.*

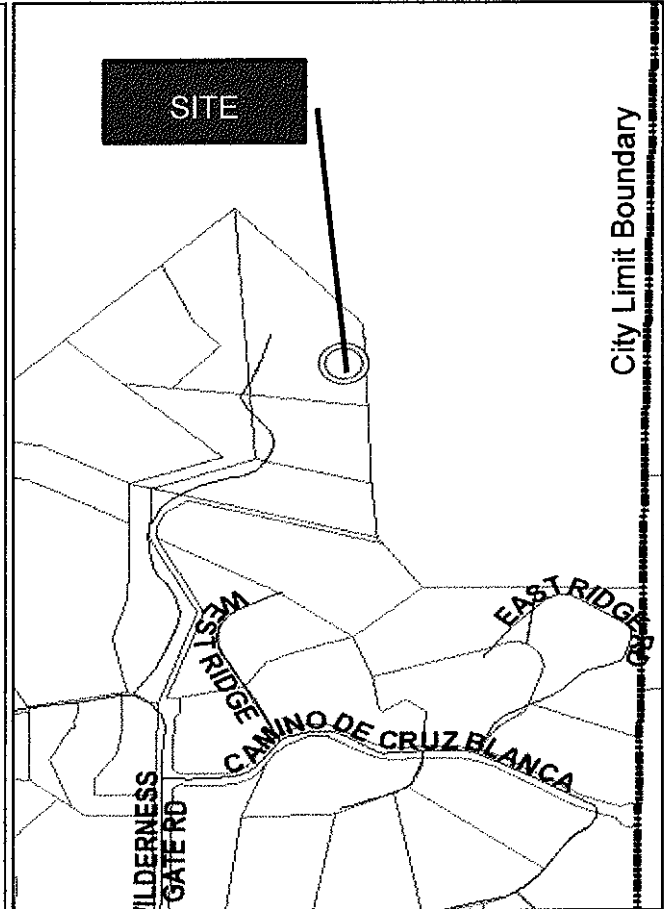
(5) The variance is not contrary to the public interest

*The public interest is best served by the other lot owners in the area who are in agreement with the variance allowing for the lot split.*



# Land Use Department Planning Commission Staff Report

**Case No's:** 20-2499 & 20-2592  
**Hearing Date:** October 1, 2020  
**Applicant:** James Siebert and Associates, Inc.  
**Request:** Variances.  
**Location:** 1623 Camino De Cruz Blanca  
**Case Mgr.:** Daniel A. Esquibel  
**Zoning:** R-1(Residential No City Utilities - 0.4 Dwellings per Acre with net lot area of 2.5 acres per single family dwellings)  
**Overlay:** Suburban Archaeological Review District  
**Pre-App. Mtg.:** October 24, 2019  
**ENN Mtg.:** August 04, 2020  
**Proposal:** Two variances: 1.) Subsection 14-7.2(B)(5) for calculation of dwellings within the Mountainous and Difficult Terrain (to eliminate the 0.75 reduction in density from the calculation of density); 2.) Table 14-7.2(1) "Design Criteria for Street Types" (to allow 9 dwelling units on a Lot Access Driveway).



**Case #2020-2499. 1623 Camino De Cruz Blanca Variance to 14-7.2(B)(5).** James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variance to Subsection 14-7.2(B)(5) for calculation of dwellings within the Mountainous And Difficult Terrain (to eliminate the 0.75 reduction in density from the calculation of density). The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities – 0.4 Dwellings per acre with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain.

**Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).** James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variance to [14-7.2(B)(5)] Table 14-9.2-(1) "Design Criteria for Street Types" to allow 9 dwelling units on a Lot Access Driveway. The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities - 0.4 Dwellings per acre

with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain.

## I. RECOMMENDATION

The Land Use Department recommends **DENIAL** of Case #2020-2499 "1623 Camino de Cruz Blanca Variance to 14-7.2(B)(5)", and **DENIAL** of Case #2020-2592. "1623 Camino de Cruz Blanca Variance to Table 14-7.2(1)".

Three motions will be required in the following order:

1. Approve or deny Case #2020-2499. 1623 Camino de Cruz Blanca Variance to 14-7.2(B)(5), subject to technical corrections of approval (Exhibit A).
2. Approve or deny Case #2020-2592. 1623 Camino de Cruz Blanca Variance to Table 14-7.2(1).
3. Approve or deny Findings of Fact and Conclusions of Law for Case #2020-2499 and Case #2020-2592. 1623 Camino de Cruz Blanca Variances presented in Exhibit B.

## II. EXECUTIVE SUMMARY

The proposal consists of two variances:

1. SFCC Subsection 14-7.2(B)(5), for calculation of dwellings within the Mountainous and Difficult Terrain (to eliminate the 0.75 reductions in density from the calculation of density);
2. SFCC Table 14-9.2-(1) "Design Criteria for Street Types" (to allow nine dwelling units on a Lot Access Driveway).

Both variances are being sought to support the approval of a future lot split at 1623 Camino Cruz Blanca.

The Applicant has complied with Subsections 14-3.1(E) "Pre-Application Conferences", 14-3.1(F) "Early Neighborhood Notification Procedures" and 14-3.1(H) "Notice Requirements".

Staff's analysis finds that the Applicant has **not** satisfied Subsection 14-3.7(C) "Approval Criteria", for the proposed variances requested for **Case #2020-2499** and **Case # 2020-2592** recommends denial of both cases.

## III. BACKGROUND

The property is located at 1623 Camino de Cruz Blanca. The Tract of land was created as part of a 5-lot subdivision in 1977 entitled "*Lands of J.W. Schlepps, L. Tomas A. Walpole & P. Pinnell, Jr. Ward No. One*" (Subdivision) and is identified as Tract Four, containing approximately 5.63 acres. The City did not approve the Subdivision. However, the adjacent property to the south received city approval in 1984, for a lot split, the adjacent east property received City approved in 1996 for a consolidation/lot line adjustment, and north and east property lines of Tract 4 are bounded City property.

Tract 4 of the Subdivision today is considered a legal lot of record by adjacent lands legal status and shared property lines. This type of lot is identified as a legal lot of record by exclusion.

The property zoned R-1(Residential – one dwelling Unit per acre) is identified on the Mountainous and Difficult Terrain's official mapped area.

**IV. EXISTING CONDITIONS**

The property currently is developed with once single-family dwelling, wood deck and solar panels. The surrounding lands:

**Table 1 Adjacent Properties**

Direction	Property Address	Zoning
North	N/A (City Land)	R-1 (Residential – One Dwelling unit per acre if connected to City utilities)
East	N/A (City Land)	
South	1627 Camino De Cruz Blanca	
West	1674 Camino De Cruz Blanca	

**ACCESS**

The property is accessed from Camino De Cruz Blanca, a private road (GIS measurements identify approximately a 25' wide driving surface). Off of Camino de Cruz Blanca, the property is accessed by a private ingress/egress easement width is platted as 50 feet. There are eight homes currently using this driveway easement. The Applicant states that the road providing access to the property is between 13 to 15 feet wide. The Applicant states that the north offshoot road is maintained, and adding an additional dwelling has little impact.

The following information was derived from the City's GIS Division and Applicants submittals regarding Camino De Cruz Blanca:

- Camino De Cruz Blanca extends off Camino Cabra (City Road).
- Camino De Cruz Blanca is a private paved road approximately 40 feet in width connecting to Wilderness Gate (derived from the City's Arch GIS Division).
- There is an offshoot of Camino De Cruz Blanca that extends north to the subject property.
- The Applicant states that the access road varies in width from approximately 13 feet to 15 feet (north offshoot). The 1977 plat referenced in Exhibit G, identifies that the access road to the property is a 50' wide access easement (north offshoot).
- From Camino Cabra to the Camino De Cruz Blanca north offshoot, Camino De Cruz Blanca serves approximately 30 dwellings.
- The north offshoot (to the subject property) of Camino De Cruz Blanca serves 8 dwellings.

**FIRE ACCESS**

The City Fire Department provided standard conditions, should the Planning Commission approve Cases No. 20-2499 and 20-2592. These conditions are listed both in Exhibit A "Technical Correction" and Exhibit C "DRT Comments".

**TERRAIN MANAGEMENT**

This area of Camino de Cruz Blanca is primarily hilly and semi-rural in character. Mature tree covering and sloping terrain blanket the area. There are a series of natural drainage-ways that traverse the properties. The primary reason that this property is mapped in the Mountainous and Difficult Terrain is due to the fact that much of the property has natural slopes of greater than 20%.

The Applicant provided topographic information with the site plan. The Applicant's slope analysis identifies meeting the definition of the Mountainous and Difficult Terrain. The Applicant contends that the mountainous and difficult terrain is not listed as a district on the official zoning map or as an overlay district within Section 14-5 "Overlay Districts" and is eligible for a variance.

## UTILITIES

City water is located in the main Camino De Cruse Blanca Road, approximately 1,500 feet away. City sewer is not available. Water and sewer is provided by well and septic systems.

## V. ZONING ANALYSIS

The Mountainous and Difficult Terrain is defined as:

*"Any parcel or portion of a parcel that lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent."*

Subsection 14-7.2(B) "Calculations of Allowable Dwelling Units" (Exhibit F) explains how the City calculates density( the number of dwelling units on a property) or how many lots can be created from a single piece of land within a zoned district.

### Calculating Density<sup>1</sup>

The following explains the formula following Table 2 of this report.

- $a$  = Acreage taken to two decimal places by a surveyor.
- $f$  = Flood way acres.
- $d$  = See Table 1 "Zoning Calculation value"
- $m$  = Mountainous and Difficult Terrain value (.75).

---

<sup>1</sup>14-7.2(B)(6):

[I]f the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in Subsections 14-7.2(B)(7) or (8). This is the allowable number of dwelling units for the site;

14-7.2(B)(7):

[I]f the calculation is for a family transfer subdivision as set forth in Subsection 14-3.7(F)(2)(b) and the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more;

14-7.2(B)(8):

[I]f the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more; provided that the additional unit resulting from the rounding up meets the requirements of Santa Fe Homes Program (SFHP) set forth in Section 26-1 SFCC 1987 (Santa Fe Homes Program) or is a low-priced dwelling unit meeting the requirements set forth in Section 26-2.3 SFCC 1987 (Requirements for Low-Priced Dwelling Units).

**Table 2 Zoning Calculation Value**

Status	Calculation Value
If both City Utilities (water and sewer) is available.	Zoning Density value (R1 = 1, R2 = 2 etc.)
If one City Utility (water or sewer) is available.	1 dwelling unit per acre (TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts [Note 15]).
If no City Utilities are available.	0.4 dwelling units per acre (TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts [Note 15]).

$$Density = ((a - f) \times d) \times m$$

The density calculation for 1623 Camino De Cruz Blanca allows for one dwelling on the property:

$$1.69 = ((5.63 - 0) \times .4) \times 0.75$$

Table 14-9.2-1 "Design Criteria for Street Types" (reference Exhibit F) establishes road construction and design corresponding to the number of dwellings accessed off the road.

**Table 3 Street Types**

	Lane	Lot Access Driveway
Dwelling Units	0-300	0-8
Minimum Right-Of-Way width	38' or 42'	Minimum,
Width of Driving Lane	Two 9' wide lanes	One 10' lane

**VI. VARIANCE APPROVAL CRITERIA** The variance process balances reasonable use of the Applicant's property against compliance with the letter and intent of adopted regulations. The proposal must be consistent with at least one of the circumstances listed in Criteria 1a through 1d, and must be consistent with all of Criteria 2 through 5.

**Table 4 Variance Approval Criteria– Subsection 14-3.16(C) (Case #20-2499)**

<p><b>Criterion 1: Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies:</b></p> <p><b>(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or</b></p> <p><b>(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or</b></p> <p><b>(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1.7; or</b></p> <p><b>(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).</b></p>	<p><b>Criterion Met: (YES/NO) NO</b></p>
---	--

The Applicant's response states that:

- *"Mr. Walpole bought the subject lot in 1977. The ordinance adopting the standards for "Difficult and Mountainous Terrain" were not adopted until 1987. Mr. Walpole had the right to split his lot allowing for two lots on the 5.6-acre parcel. The proof of ownership is provided by warranty deed and plat in Exhibit A-1."*
- *"There is the issue of the cumulative impact of the .75 reduction on lots with no city water and city sewer where the minimum lot size is 2.5 acres."*

Staff's Analysis:

Regarding the first bullet point above:

The variance standards are not a mechanism to abrogate or annul City Ordinances because changes to city regulations affected lost opportunities. City Ordinances are designed to address minimum standards to the public health, safety, and welfare of the general public and address the public interest. Cumulative regulations that restrict development intended to protect the public interest does not constitute a special circumstance.

Regarding the second bullet point above:

The Applicant's second response takes issue to the cumulative impacts. The Applicant identifies that Chapter 14 requirements prohibit the Applicant's ability to meet density to divide the property. However, the code changes that adjust the density to require City utilities are to regulate housing impacts and reduce density, where City sewer and water are not available. Additionally, regulation exists decreasing density in the Mountainous and Difficult Terrain. Increasing density, where City utilities are not available in severe terrain, jeopardizes groundwater, and impacts drainage. Ordinance regulations related to zoning density do not constitute a special circumstance to use as a variance.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(1).

**Criterion 2:**

**The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.**

**Criterion Met:**

**(YES/NO)  
NO**

The Applicant's response states that:

*"There are 5 lots in the same area served by Camino Cruz Blanc that are less than the lot size of 3.3 acres, all of which are not served by city water or city sewer. Mr. Walpole is seeking approval of what has either been allowed by the city or lots that existed prior to the adoption of the area of Difficult and Mountainous Terrain."*

Staff's Analysis:

Applications to develop property approved by the City under prior code regulations were vetted at that time. There are no ordinance provisions that allow new development applications to be retroactively processed using previous Ordinance rules. The Applicant's explanation for this Criterion did not address why it is infeasible to develop the property *"in compliance with the standards"*.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion and that it is feasible to build on the property without a variance.

**Criterion 3: The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14**

**Criterion Met:  
(YES/NO)  
NO**

The Applicant's response states that:

*"There are other lots in close proximity to Mr. Walpole that are equal or lesser in size to the lots proposed by Mr. Walpole. The area of Difficult and Mountainous Terrain is not a zoning district nor an overlay district. It is clear that the minimum lot size from a zoning standpoint per Table 14-7.2-1 is one dwelling per 2.5 acres. Mr. Walpole can comply with that requirement since he has 5.6 acres of land and can divide them in such a way that each is a minimum of 2.5 acres."*

Staff's Analysis:

The intensity of development for the property is increased by one dwelling unit. Under today's regulations, it would not be allowed on any other Tract of land, given the same or less acreage, in the same area, and under the same conditions. The legal status of properties in the vicinity of the subject site is unknown or approved through the City process. The Applicant's explanation for criterion 14-3.6(C)(3) increases the intensity of development on the subject property that is not allowed on other properties in the vicinity, under the same conditions and city code criterion.

Staff's analysis identifies that the variance criterion required by 14-3.6(C)(3) is not applicable.

<p><b>Criterion 4:</b>  <b>The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:</b></p> <p><b>(a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and</b></p> <p><b>(b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.</b></p>	<p><b>Criterion Met:</b>  <b>(YES/NO)</b>  <b>NO</b></p>
---	--

The Applicant's response to "4a" states that:

*"Mr. Walpole currently has his residence on the 5.6-acre lot. A lesser intensity without a variance would mean that he is unable to create another lot putting Mr. Walpole at a disadvantage to other lots created in the area that are less the 3.3 acres required by the City."*

The Applicant's response to "4b" states that:

*"The general plan promotes infill within the urban area. The proposed lot split is in conformance with the mandatory density of 2.5 acres but short of the additional reduction in lot size created by the cumulative impact of imposing the dimensional standard of the area of Difficult and Mountainous Terrain."*

Staff's Analysis (4a):

Reasonable use is not defined in Chapter 14, but it can be deduced that the zoning regulations in place are deemed to allow for reasonable use of ones property as they are passed by the Governing Body. The criterion requires the Planning Commission to find that the proposed *"variance is the minimum variance that will make possible the reasonable use of the land or structure"* using the factors of "4a" and "4b". While the property could be used for a different category of use (i.e. open space), this alternative would not be impractical. The proposed variance is a request to abrogate or annul the Mountainous and Difficult Terrain from the density calculation.

Staff's Analysis (4b):

The calculations which establish density directly affect health, safety, welfare, land use, and development, to protect the public interest. Density, access, safety, terrain management, water, and sewer are parts of the General Plan by which the standards in the Land Development Code are derived. It is not uncommon to comply with the minimum lot size requirements to divide property, and still not be able to divide property or add a second dwelling.

An example is an R-1 district. Table 14-7.2-1: *"Table of Dimensional Standards for Residential Districts"* regulates density in an R-1 district to 1 dwelling per acre. A one-acre lot is 43,560 square feet. Table 14-7.2-1 also regulates minimum lot size allowing a 4,000 square foot lot. The density restriction of the R-1 district prohibits the development of more than one dwelling unit per acre, which prohibits the creations of additional lots that increase the density beyond one dwelling per acre. Therefore, Chapter 14 would prohibit ten dwelling units or 10 (4000 square foot lots) on a one-acre lot in an R-1 district. When calculating density, Subsection 14-7.2(B) *"Calculations of Allowable Dwelling Units"* includes additional factors within the formula for calculating density in residential districts.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion.

**Criterion 5: The variance is not contrary to the public interest;**

**Criterion Met:  
(YES/NO)  
NO**

The Applicant's response states that

*"At the Early Neighborhood Notice meeting the majority of owners of lots served by Camino Cruz Blanca attended the virtual meeting. All owners attending the virtual meeting were in support of the variance for the lot split. There is no impact to the broader public since any additional construction on the property would have limited visibility from outside the immediate area of the properties served from Camino Cruz Blanca."*

Staff's Analysis:

Although public interest is not defined, the public interest has been deemed the zoning regulations created and passed by the Governing Body. The public interest is much broader than the benefit obtained by an individual or the support or opposition from an Early Neighborhood Notification meeting. The granting of the variance may conflict with the overall public interest when the variance has the effect of abrogating or annulling the purpose and intent of the regulations designed to protect the public interest, which meets the minimum standards for health, safety, and welfare. The requested variance is a request to eliminate a standard designed to prevent an increase in density where there is no city water or sewer and *"where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent."* A variance which affects to abrogate or annul the standards is contrary to the public interest. The granting of a variance is not in conjunction with the public interest.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion.

**Table 5 Variance Approval Criteria– Subsection 14-3.16(C) (Case No. 20-2592)**

<p><b>Criterion 1: Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies:</b></p> <p><b>(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or</b></p> <p><b>(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or</b></p> <p><b>(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1.7; or</b></p> <p><b>(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).</b></p>	<p><b>Criterion Met: (YES/NO) NO</b></p>
---	--

The Applicant's response states that:

- *“Camino Cruz Blanca has existed since 1970 's. It is a narrow road due principally to the rocky nature of the area and the desire to disturb no more than was necessary to protect the natural vegetation of the area. The city has recognized these lots as legal lots of record by the authorization of building permits. The developed road width varies from 13-15 feet. There were few standards at the time that the lots were created, and the private road was constructed. Section 14-9.2-1 of the City Code does allow up to eight homes on a roadway of this width. Discussions with the Fire Marshal have indicated that a ninth home served by this road would be acceptable. The final decision on this matter awaits the Fire Marshal review. Under the International Fire Code, the Fire Marshal has the discretion to allow homes on a roadway of less than 20 feet.”*

**Staff's Analysis:**

New developments are required to ameliorate impacts and remedy existing deficiencies to meet the minimum standards for health, safety, and welfare. The Applicant is requesting this variance for a future proposed land division. Chapter 14 design standards for a road, providing access to nine dwelling units, require constructing a lane. The existing road is built, within a 50' wide access easement, as shown on a plat of survey (Exhibit G). The special circumstances presented by the Applicant is the age of the easement, driving surface, rocky nature of the area, and a desire to preserve existing vegetation. While natural topography can qualify as a special circumstance for Criterion 14-3.6(C)(1)(a), there were not any submittals to establish that the road cannot be developed in compliance with Chapter 14. Neither the age of the easement, driving surface, or the desire to preserve the existing vegetation addresses the criterion as a special circumstance that distinguishes the land or structure from others in the vicinity.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(1).

**Criterion 2:**

**The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.**

**Criterion Met:**

(YES/  
NO)  
NO

The Applicant's response states that:

*"The road cross section for 9 lots would be a 42-foot easement or right-of way with two travel lanes of 9 feet, curb and gutter on each side of two feet, a 5-foot planter strip and a 5-foot sidewalk. The Planning Commission is granted the discretion by the City Code to allow for other types of road based the local circumstance. "The arrangement of streets in a development shall: (b) "conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area."*

Staff's Analysis:

The Criterion of 14-3.6(C)(2), requiring a finding where a *"special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14."* The Applicant states that the Planning Commission has the discretion and the neighborhood covenants establish a neighborhood plan. Nothing within the Applicant explanation for Criterion of 14-3.6(C)(2) addresses why it is infeasible to develop the property in compliance with the standards.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(2).

**Criterion 3: The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14**

**Criterion Met:  
(YES/NO)  
NO**

The Applicant's response states that:

*"Other properties in the area are already smaller is size than what is proposed by Mr. Walpole."*

Staff's Analysis:

The Applicant did not address the criterion relative to the variance request. The request is to add an additional dwelling to a local access drive that would otherwise require an upgrade to a lane. The size of other properties in the area does not address the development's intensity on the road or the area or why the standard should be waived or varied. The request is to increase the dwelling threshold standards associated with a lot access drive. The request ultimately eliminates an upgrade to a lane standard by increasing the number of dwellings on a lot access drive. Under today's regulations, decreasing road standards baring variances with special circumstances would not be allowed under the same conditions. The legal status of other properties in the vicinity is unknown or was approved under city review at the time of approval. The Applicant's explanation for criterion 14-3.6(C)(3) compares the lot sizes of other properties relative to the applicants but does not discuss the intensity of development relative to the road.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(3).

<p><b>Criterion 4:</b>  <b>The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:</b>  <b>(a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and</b>  <b>(b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.</b></p>	<p><b>Criterion Met:</b>  <b>(YES/NO)</b>  <b>NO</b></p>
<p>The Applicant's response to "4a" states that:  <i>"The property can remain in its current state but there is a certain injustice created by the fact that other subdivisions have taken place where lots are smaller than proposed by Mr. Walton."</i></p> <p>The Applicant's response to "4b" states that:  <i>"The Planning Commission is granted the authority by Code to allow for roads that are more representative of the development pattern in the existing neighborhood. This is certainly the case where this private road has existed since the 1970 's. The general plan does state that the character of the surrounding neighborhood should be recognized when considering new development."</i></p> <p><b>Staff's Analysis (4a):</b>  Reasonable use is not defined in Chapter 14, but it can be deduced that the zoning regulations in place are deemed to allow for reasonable use of one's property. The criterion requires the Planning Commission to find that the proposed "<i>variance is the minimum variance that will make possible the reasonable use of the land or structure</i>" using the factors of "4a" and "4b". While the land could be used for a different category of use or lesser intensity of use (i.e., open space), this alternative would not be practical since it is developed for residential access. The Applicant did not address the criteria discussing a variance to road standards, but a comparison to other properties relative to the Applicant's property.</p> <p><b>Staff's Analysis (4b):</b>  The Applicant did not address the criterion. The authority of the Planning Commission is regulated by the findings established within the parameters of Chapter 14. Nothing within the variance criteria provides for arbitrary decisions. The General Plan is a Resolution and supports Chapter 14 "Land Development Code." The Standards of Chapter 14 are designed to mitigate impacts to the surrounding area for project development in existing and new neighborhoods. The Applicant's statement does not address 14-3.6(C)(4)(b).</p> <p>Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(4).</p>	

<b>Criterion 5: The variance is not contrary to the public interest;</b>	<b>Criterion Met: (YES/NO) NO</b>
<p>The Applicant's response states that  <i>"At the ENN the neighbors and residents of the larger subdivision were universally in support of the lot split. There is no adverse impact on the large interpretation of public interest."</i></p> <p>Staff's Analysis:  Although public interest is not defined, the public interest has been deemed the regulations created and passed by the Governing Body. The public interest is much broader than the benefit obtained by an individual or the support or opposition from an Early Neighborhood Notification meeting. The granting of the variance may conflict with the overall public interest when the variance is inconsistent with findings required to grant a variance. The granting of a variance must be consistent with at least one of the circumstances listed in Criteria 1a through 1d and must be consistent with all of Criteria 2 through 5. The Applicant did not establish the necessary findings that warrant an easing or variance. The granting of a variance is not in conjunction with the public interest. Rather, only the recipient of the variance is benefitted.</p> <p>Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(5).</p>	

**VII. EARLY NEIGHBORHOOD NOTIFICATION**

The Applicant conducted a virtual ENN meeting using "Zoom" on August 04, 2020 at 5:30. Several members of the public were in attendance. There no concerns raised by attendees.

**VIII. EXPIRATION**

The expiration date for a variance is listed in Subsection 14-3.19(B) "*Expiration of Development Approvals*". Variances shall expire three years after final action unless actual development of the site or offsite improvements has begun and is continued pursuant to Subsection 14-3.19(B)(6)."

Should the Planning Commission approve the variances and adopt all the Findings of Fact and Conclusions of Law, the expiration date would be October 1, 2023.

**IX. EXHIBITS:**

EXHIBIT A: Technical Conditions

EXHIBIT B: Findings of Fact and Conclusions of Law

EXHIBIT C: Development Review Team (DRT)

- 1) City Subdivision Engineer (Terrain Management), Dee Beingessner
- 2) Fire Department, Geronimo Griego
- 3) Traffic Division, John Romero

**EXHIBIT D: Early Neighborhood Notification**

- 1) Guidelines
- 2) ENN Notes

**EXHIBIT E: Maps and Photos**

- 1) Current Zoning Map
- 2) Aerial Photo

**EXHIBIT F: Code Material**

- 1) Subsection 14-7.2(B) *"Calculations of Allowable Dwelling Units"*
- 2) Table 14-9.2-1 *"Design Criteria for Street Types"*

**EXHIBIT G: Applicant Material**

- 1) Application
- 2) 1977 plat

**APPROVED AS TO FORM:**

<b>Title</b>	<b>Name</b>	<b>Initials</b>
Planning and Land Use Director	Elias Isaacson, AICP	ESI
Land Use Planner Manager	Noah Berke, AICP, CFM	NLB
Land Use Planner Senior	Dan Esquibel	DAE

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **A**

Technical Corrections

EXHIBIT A  
 Technical Corrections  
 Case #2020-2499 and 2020-2597  
 1623 Camino De Cruz Blanca Variances

	Technical Corrections of approval	Department	To be completed by:
1	Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1)	<b>Fire Division</b>	At the time of any new construction or remodel.
2	Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)		
3	Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.		
4	Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1)		
5	507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.		
6	Shall have water supply that meets fire flow requirements as per IFC (Appendix B)		
7	Shall comply with Section D102.1 Access and Loading (75,000 lbs).		
8	Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)		
9	Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates.		
10	Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads.		
11	Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.		

**October 06, 2020  
Planning Commission  
Case #2020-2499 & 2020-2592  
1623 Camino De Cruz Blanca  
Variances**

# **EXHIBIT**

# **B**

Findings of Fact and Conclusions of Law

**City of Santa Fe  
Planning Commission  
Findings of Fact and Conclusions of Law**

**Case #2020-2499**

**1623 Camino de Cruz Blanca; Variance to SFCC Section 14-7.2(B)(5) (density)**

**Case #2020-2592**

**1623 Camino de Cruz Blanca; Variance to SFCC Table 14-7.2(1) (street design)**

**Owner's/Applicant's Name - Alton Walpole**

**Agent's Name - James Siebert and Associates, Inc.**

THIS MATTER came before the Planning Commission (Commission) for hearing on October 1, 2020, upon the applications (Applications) of James Siebert and Associates, Inc., as agent for Alton Walpole (Applicant). The Applications pertain to 1623 Camino de Cruz Blanca, totaling approximately 5.63 acres (Property). The Property is zoned R-1.

The Applicant requests two variances from the Santa Fe City Code (SFCC) as follows: (1) a variance to SFCC Section 14-7.2(B)(5), which requires a 0.75 reduction in density for a parcel that lies within mountainous and difficult terrain and where 25% or more of the parcel has a natural slope greater than 20%; and (2) a variance to SFCC Table 14-9.2-1, which provides that a lot access driveway may serve a maximum of 8 dwelling units.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

**FINDINGS OF FACT**

**General**

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(vii)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
3. A pre-application conference was held on October 24, 2019 in accordance with SFCC Section 14-3.1(E).
4. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
5. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was conducted on August 4, 2020 using "Zoom". The ENN meeting was attended by a representative of the Applicant, one member of City staff, and eight neighbors, who raised no concerns.
6. Pursuant to the SFCC Section 14-3.16(A), "[l]and use boards may approve variances to the provisions of Chapter 14 ... regulating the size, location and appearance of structures."
7. Pursuant to SFCC Sections 14-2.3(C)(3) and 14-3.16(A), the Commission has the authority to review and approve or disapprove variances.

Case #2020-2499

1623 Camino De Cruz Blanca - Variance to SFCC Section 14-7.2(B)(5)

Case #2020-2592

1623 Camino de Cruz Blanca - Variance to SFCC Table 14-9.2-1

8. City staff reviewed the Applications and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
9. Staff recommended that the Commission deny the variances requested in both Applications.
10. SFCC Section 14-3.16(B) sets out procedures for variance applications and requires the Commission to hold a public hearing and approve, approve with conditions, or deny the variance application.
11. SFCC Section 14-3.16(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before granting a variance.

Variance to SFCC Section 14-7.2(B)(5)

12. SFCC Section 14-12.1 defines “density” as “[t]he extent of development per unit of area. In residential areas or development projects, density is typically expressed in dwelling units per acre.”
13. SFCC Section 14-7.2(A)-(B) and SFCC Table 14-7.2-1 set forth the manner for calculating allowable density, specifically, the maximum number of dwelling units per acre.
14. Under SFCC Table 14-7.2-1 (Table of Dimensional Standards for Residential Districts), Note 15, the “maximum gross density in districts that permit residential use is 0.4 dwelling units per acre if neither public sewer or water is provided, and one dwelling unit per acre if either public sewer or water is provided.”
15. The Property lacks public sewer and public water.
16. SFCC Section 14-7.2(B)(5) provides that when calculating allowable density, the allowable density for a parcel should be reduced by 0.75 if the parcel lies within mountainous and difficult terrain and if 25% or more of the parcel has a natural slope greater than 20%.
17. SFCC Section 14-12.1 defines “mountainous and difficult terrain” as “[a]ny parcel or portion of a parcel that lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent.”
18. The Property that meets the SFCC definition of mountain and difficult terrain and falls within the mapped area identified as mountainous and difficult terrain.
19. Under SFCC Section 14-7.2(B)(8), when calculating density, “if the result is other than a whole number, the number shall be rounded down to the nearest whole number . . . . This is the allowable number of dwelling units for the site.”
20. Pursuant to SFCC Section 14-7.2(A)-(B) and SFCC Table 14-7.2-1, the density calculation for allowable dwelling units on the Property equals 1.69 dwelling units on approximately 5.63 acres, which must be rounded down to 1 dwelling unit.
21. In the Application, the Applicant asks the Commission to grant a variance to SFCC Section 14-7.2(B)(5) to eliminate the 0.75 reduction in density from the calculation of allowable dwelling units on the Property.
22. Approval of the Applicant’s proposed variance to SFCC Section 14-7.2(B)(5) would yield a density calculation of 2.25 allowable dwelling units on approximately 5.63 acres, which must be rounded down to 2 dwelling units.

23. Pursuant to SFCC Section 14-3.16(C)(1)(a), the Commission finds that there are no unusual physical characteristics distinguish the Property from others in the vicinity that are subject to the same relevant provisions of Chapter 14.
24. Pursuant to SFCC Section 14-3.16(C)(1)(b), the Commission finds that the Property is not a legal nonconforming lot because the Property currently conforms to the maximum allowable density set forth in the SFCC.
25. Pursuant to SFCC Section 14-3.16(C)(1)(c), the Commission finds that there is not an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision.
26. Pursuant to SFCC Section 14-3.16(C)(1)(d), the Commission finds that the Property has not been designated as a landmark, contributing, or significant property.
27. The Commission finds that the Applicant has failed to meet the criterion set forth in SFCC Section 14-3.16(C)(1).
28. Pursuant to SFCC Section 14-3.16(C)(2), the Commission finds that the Applicant has failed to demonstrate that special circumstances make it infeasible to develop the property in compliance with the standards of Chapter 14. The Property has already been developed in accordance with the standards of Chapter 14.
29. Pursuant to SFCC Section 14-3.16(C)(3), the Commission finds that the Applicant has failed to demonstrate that granting the variance would not increase the intensity of development beyond that which allowed on other properties in the vicinity. Granting the variance would increase the intensity of development by one dwelling unit. Under today's regulations, the density increase would not be allowed on any other tract of land in the same vicinity that is within mountainous and difficult terrain and lacks public sewer and water.
30. Pursuant to SFCC Section 14-3.16(C)(4), the Commission finds that the Applicant has failed to demonstrate that this is the minimum variance that will make possible the reasonable use of the land. The Property already contains the maximum number of dwelling units permitted by the SFCC, which constitutes a reasonable use. The remainder of the Property can be used for a different category of use (i.e. open space). The density provisions in the SFCC are based on provisions of the General Plan that are intended to protect health, safety, and welfare. The ability to subdivide land in compliance with minimum lot size requirements does not entitle a property owner to create more dwelling units than would otherwise be permitted by the SFCC.
31. Pursuant to SFCC Section 14-3.16(C)(5), the Commission finds that the Applicant has failed to demonstrate that the variance would not be contrary to the public interest. The requested variance would eliminate a standard designed to protect the public interest by limiting density in areas "where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent." This limitation serves the public interest by preventing drainage and erosion problems.
32. Pursuant to SFCC Section 14-3.16(C)(6), the Commission finds that there are no additional requirements, or supplemental or special findings required by other provisions of Chapter 14.

Variance to SFCC Table 14-9.2-1

33. SFCC Table 14-9.2-1 (Design Criteria for Street Types) provides that a lot access driveway may be used to serve a maximum of 8 dwelling units, carries “minimum” average daily traffic, contains 1 auto lane, and is a minimum of 10 feet wide.
34. The existing access road provides access to 1623 Camino de Cruz Blanca serves 8 dwelling units, has a dirt driving surface, and is between 13 and 15 feet wide.
35. The existing access road is located on a 50-foot-wide access easement.
36. In the Application, the Applicant asks the Commission to grant a variance to SFCC Table 14-9.2-1 to allow the existing lot access driveway to serve 9 dwelling units.
37. Pursuant to SFCC Section 14-3.16(C)(I)(a), the Commission finds that there are no unusual physical characteristics distinguish the Property from others in the vicinity that are subject to the same relevant provisions of Chapter 14.
38. Pursuant to SFCC Section 14-3.16(C)(1)(b), the Commission finds that the existing access road is not a legal nonconforming road because the road currently conforms to the design standards for a lot access driveway.
39. Pursuant to SFCC Section 14-3.16(C)(1)(c), the Commission finds that there is not an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision.
40. Pursuant to SFCC Section 14-3.16(C)(1)(d), the Commission finds that the Property has not been designated as a landmark, contributing, or significant property.
41. The Commission finds that the Applicant has failed to meet the criterion set forth in SFCC Section 14-3.16(C)(1).
42. Pursuant to SFCC Section 14-3.16(C)(2), the Commission finds that the Applicant has failed to demonstrate that special circumstances make it infeasible to develop the property in compliance with the standards of Chapter 14. The existing access roads meets existing design criteria in Chapter 14 for a lot access driveway, and the Property has already been developed at the density permitted by the SFCC.
43. Pursuant to SFCC Section 14-3.16(C)(3), the Commission finds that the Applicant has failed to demonstrate that granting the variance would not increase the intensity of development beyond that which allowed on other properties in the vicinity. Granting the variance would increase use of the existing access road by one dwelling unit. Under today’s regulations, this increased capacity would not be allowed for any other tract of land that uses the existing access road.
44. Pursuant to SFCC Section 14-3.16(C)(4), the Commission finds that the Applicant has failed to demonstrate that this is the minimum variance that will make possible the reasonable use of the land. The Property currently has access via a lot access driveway that meets the design criteria in the SFCC, and the Property already contains the maximum number of dwelling units permitted by the SFCC.
45. Pursuant to SFCC Section 14-3.16(C)(5), the Commission finds that the Applicant has failed to demonstrate that the variance would not be contrary to the public interest. The street design criteria were adopted to further the public interest. Granting the variance would increase the number of dwelling units and average daily traffic beyond what the SFCC permits for a lot access driveway and would benefit only the Applicant.

Case #2020-2499

1623 Camino De Cruz Blanca - Variance to SFCC Section 14-7.2(B)(5)

Case #2020-2592

1623 Camino de Cruz Blanca - Variance to SFCC Table 14-9.2-1

46. Pursuant to SFCC Section 14-3.16(C)(6), the Commission finds that there are no additional requirements, or supplemental or special findings required by other provisions of Chapter 14.

### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the hearing, the Commission CONCLUDES as follows:

#### General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.
2. The Commission has the power and authority at law and under the Code to review the requested variances and to approve, approve with conditions, or deny the Applications.

#### Variances to SFCC Section 14-7.2(B)(5)

3. The Property is allowed to have a maximum gross density of .4 dwelling units per acre because the Property lacks public sewer and public water.
4. The Property is subject to an additional 0.75 reduction in maximum allowable density because the Property is located within mountainous and difficult terrain.
5. The variance to SFCC Section 14-7.2(B)(5) should not be granted because the Applicant has failed to meet all of the approval criteria for the variance.

#### Variances to SFCC Table 14-9.2-1

6. The existing access road meets the design criteria for a lot access driveway.
7. The variance to SFCC Table 14-9.2-1 should not be granted because the Applicant has failed to meet all of the approval criteria for the variance.

**WHEREFORE, IT IS ORDERED ON THE 1st DAY OF OCTOBER 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

Considering the foregoing findings and conclusions, the Commission denies the variance to SFCC Section 14-7.2(B)(5), as requested in Case #2020-2499; and the Commission denies the variance to SFCC Table 14-9.2-1, as requested in Case #2020-2592.

\_\_\_\_\_  
John B. Hiatt  
Chairperson

\_\_\_\_\_  
Date

Case #2020-2499

1623 Camino De Cruz Blanca - Variance to SFCC Section 14-7.2(B)(5)

Case #2020-2592

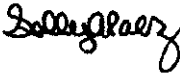
1623 Camino de Cruz Blanca - Variance to SFCC Table 14-9.2-1

FILED:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

  
Sally A. Paez  
Assistant City Attorney

October 1, 2020  
Date

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **C**

Development Review Team (DRT)

**RE: Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).**

ROMERO, JOHN J <jjromero1@santafenm.gov>

Wed 9/16/2020 2:42 PM

To: ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>

Hi Dan,

I have no comment.

-jjr

**From:** ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>

**Sent:** Wednesday, September 16, 2020 2:20 PM

**To:** ROMERO, JOHN J <jjromero1@santafenm.gov>

**Subject:** Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).

Please comment:

**Case #2020-2592.** 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).

Dan Esquibel

Planner Senior

Land Use Dept., Current Planning Division

Office: 505-955-6587

Email: [daesquibel@santafenm.gov](mailto:daesquibel@santafenm.gov)

# Development Review Team

## Comment Form

Date: 09/22/2020

Staff person: Geronimo Griego

Dept/Div: Fire Prevention

Case: 2020-2499 1623 Camino Cruz Blanca Variances

Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:  
by:

Must be completed

	Prior to planning commission.
--	-------------------------------

Technical Corrections\*:

Must be completed by:

<ol style="list-style-type: none"><li>1. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1)</li><li>2. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)</li><li>3. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.</li><li>4. Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1 )</li><li>5. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.</li><li>6. Shall have water supply that meets fire flow requirements as per IFC (Appendix B)</li></ol>	At the time of any new construction or remodel.
--	---

- |  |  |
|--|--|
| <ol style="list-style-type: none"><li>7. Shall comply with IFC 2009 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.</li><li>8. Shall comply with Section D102.1 Access and Loading (75,000 lbs).</li><li>9. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)</li><li>10. Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates.</li><li>11. Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads.</li><li>12. Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.</li></ol> |  |
|--|--|

\*Must made prior to recording and/or permit issuance

**Case #2020-2499. 1623 Camino Cruz Blanca Variances & Case 2020-2494. 113  
Washington Avenue Variance**

BEINGESSNER, DEE <dabeingessner@santafenm.gov>

Thu 8/27/2020 10:01 PM

To: ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>

Dan,

I had no comments for the two subject cases.

Dee

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **D**

ENN



## ENN GUIDELINES

### Applicant Information

Project Name: 1623 Camino Cruz Blanca Variance of Chapter 14-7.2(B)5 Mountainous & Difficult Terrain

Name: Walpole Alton (C/O James W. Siebert & Assoc.)

Last First M.I.

Address: 1623 Camino Cruz Blanca

Street Address

Suite/Unit #

Santa Fe

NM 87505

City

State ZIP Code

Phone: ( ) 983-5588

E-mail Address: jim@jwsiebert.com

**Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.**

- (a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS** For example: **number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.**

*This area of Santa Fe is an area of low density residential development. At 2.81 acres per lot for the two lots the lot sizes are not too dissimilar to the lot sizes in the area. The houses tend to be larger in this forested area of Santa Fe and neither Mr. Walpole's house nor the house that is proposed on the additional lot that is requested will be as large as some of the existing houses in the area. This is the area of Santa Fe that is heavily forested with Pine Trees. The area for landscape is minimized since the preservation of the existing vegetation minimizes the need to supplement the property with non-native species. The Santa Fe National Forest adjoins this property on the west side serving as a natural buffer from other residences.*

- (b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT** For example: **trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.**

*There is an area that is suitable for the construction of an additional dwelling that satisfies city terrain management regulations. That area does not have a flood plain, rock outcroppings and is not located within an escarpment and has limited visibility from other view sheds areas of Santa Fe. There are no hazardous materials on the site and the threat of forest fires is always a concern for this area of Santa Fe. There is an easement that was granted by the Walpole's to allow a neighbor to construct a leach field on his property since his property is flatter and has better soils for leach fields than his neighbor.*

- (c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN** For example: **the project's compatibility with historic or cultural sites located on the property where the project is proposed.**

*Although an archaeological study is not required it is an unlikely area for early Indian habitation since there is no continuous supply of water for this area. The property is located at a considerable distance from other historical of cultural sites. There are no acequias on or near the property.*

**(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN** *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

*The existing densities are exceptionally low in this area of Santa Fe. The densities are limited by the lack of city water and sewer. The extension of city water and sewer would be extremely difficult due to the amount of rock that would have to be excavated to construct water and sewer to the homes sites, many of which are several hundred feet off the access road. This area was part of the original Santa Fe Grant zoned in the 1950's at the lowest residential density due to difficult terrain conditions. The subject lot is not included in the Historic District. The City General Plan recommends low density development for this area of Santa Fe.*

**(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES** *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

*The traffic for this area is limited since few people live on the private road that serves this house and a limited number of houses in the area. The larger lots reduce the number of dwellings. Traffic congestion is not a problem for this area of Santa Fe. Given the steepness of the area the disabled would have a difficult time accessing the dwelling or generally walking in the area.*

**(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE** *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

*The construction of another dwelling will provide a limited number of jobs. An additional home would create a demand for a variety of services and food and supply purchases.*

**(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS** *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

*Affordable housing is not proposed since this is a lot split and is not subject to affordable housing. Given the location and current housing market it is assumed that the house to be constructed on the future lot will be occupied by a family without children. This property is zoned residential and businesses be they, high end or affordable are not allowed in this area.*

**(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES** *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

*No new city utility service is required for this lot split. The new house will have to install a new well and septic tank and leach field. Water and sewer service is independent of the need to extend those utilities to the house. Bus service is at a considerable distance from the house and it is unlikely that it would be used by the residents of the new lot. Electrical power and communication facilities are currently available to the existing lot and will also be available to the new residence.*

- (i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

*The new lot will have to comply with water offset requirements that specify .25 acre feet of water to be delivered to the city through the purchase of water offsets available either from the city or private parties. Conservation measures are now mandated by the City, State and Federal codes. Those codes are enforced as part of the building permit review at the time a permit for construction is submitted to the city.*

- (j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS** *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

*This is a part of the city that is isolated from the rest of the community. The ability to have integration and social balance is limited by the low density and distance from community facilities that exist for this area of Santa Fe. The closest major institution to this property is St Johns College where there is some possible interaction created by the schools programs to encourage interaction between older residents and the discussion of a variety of reading materials.*

- (k) EFFECT ON SANTA FE'S URBAN FORM** *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

*This is an infill project in the sense that the surrounding area is largely developed. It does not promote a compact urban form and was never designed to do so given the terrain in the area and proximity to the National Forest. The typical homeowner for the area is either retired or semi-retired and works from home. Travel to employment centers would be limited since the likely resident for the new lot would be retired or semi-retired.*

- (l) ADDITIONAL COMMENTS (optional)**



**City of Santa Fe  
Land Use Department  
Early Neighborhood Notification Meeting Notes**

<i>Project Name</i>	ENN: 1623 Camino Cruz Blanca
<i>Project Location</i>	1623 Camino Cruz Blanca
<i>Project Description</i>	Proposed variance to Chapter 14-7.2(B)(5), calculations of dwelling within the mountainous and difficult terrain, and variance to 14-9.2.8E/Table 14-.9.2-1 to allow nine homes on a driveway where the construction of a Lane is required.
<i>Applicant / Owner</i>	Alton Walpole
<i>Agent</i>	James Siebert and Associates, Inc.
<i>Pre-App Meeting Date</i>	October 24, 2019
<i>ENN Meeting Date</i>	August 04, 2020
<i>ENN Meeting Location</i>	Virtual meeting via Zoom
<i>Application Type</i>	ENN
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	None
<i>Attendance</i>	8

**Notes/Comments:**

The Applicant conducted an a virtual ENN meeting via Zoom on August 04, 2020. There were 8 people attended the virtual meeting, not including the Applicants and the Applicant's Agent. The Applicant's agent explained the variance requests and answered a few questions. There were no concerns or opposition raised.

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **E**

Maps and Photos

# ZONING

R1



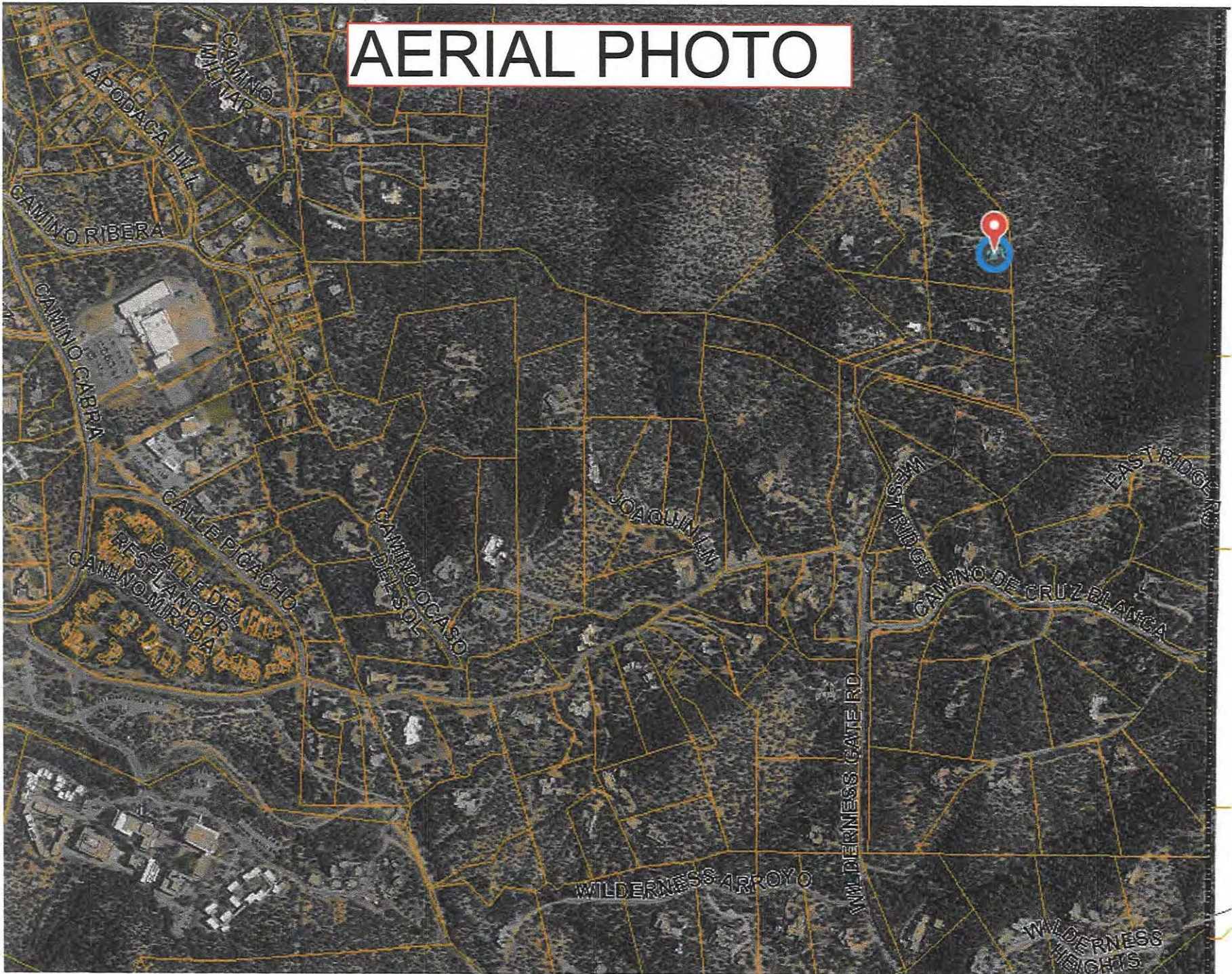
CAMINO DE CRUZ BLANCA

JOAQUIN LN

WEST RIDGE

EAST RIDGE RD

# AERIAL PHOTO



**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **F**

Referenced Code Sections
--------------------------

**14-7.-2(B) Calculation of Allowable Dwelling Units**

- (A) Prior to any development approval, the maximum allowable number of dwelling units shall be calculated for the site as a whole as follows:
- (1) determine the total number of acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer and
  - (2) determine the total flood way acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer and
  - (3) subtract the sum of the flood way acres calculated in Subsection 14-7.2(B)(2) from the total number of acres of the site calculated in Subsection 14-7.2(B)(1);
  - (4) multiply the remaining acres by the applicable gross density factor of the district as shown in Table 14-7.2-1;
  - (5) for a parcel , any portion of which lies in the area labeled as mountainous and difficult terrain on Exhibit "I" following Chapter 14 and where twenty-five percent or more of the parcel has a natural slope greater than twenty percent, multiply the result calculated in Subsection 14-7.2(B)(4) by 0.75;
  - (6) if the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in Subsections 14-7.2(B)(7) or (8). This is the allowable number of dwelling units for the site;
  - (7) if the calculation is for a family transfer subdivision as set forth in Subsection 14-3.7(F)(2)(b) and the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more;
  - (8) if the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more; provided that the additional unit resulting from the rounding up meets the requirements of Santa Fe Homes Program (SFHP) set forth in Section 26-1 SFCC 1987 (Santa Fe Homes Program) or is a low-priced dwelling unit meeting the requirements set forth in Section 26-2.3 SFCC 1987 (Requirements for Low-Priced Dwelling Units);
  - (9) SFHP development incentives pursuant to Section 14-8.11(G) may increase the maximum number of dwelling units allowed on any site; however, if a development plan has been approved, in no case shall more dwelling units be constructed than described on the approved development plan.
  - (10)The minimum net lot area requirement for single-family dwellings shall be as established in Subsection 14-7.1(B)(1), Table 14-7.2-1 and Subsection 14-7.2(C); however, the number of dwelling units , and the number of lots occupied by single-family dwellings in a residential subdivision shall not exceed the number provided by this Subsection 14-7.2(B). (Ord. No. 2014-31 § 22)
  - (11)The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision, including lot split, the allowed number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split that prohibits a further increase in the number of dwelling

units for each portion of the site unless approved by the governing body as a rezoning action or other action authorized by Chapter 14.(C)Lot Area Averaging in Single-Family Subdivisions

(Ord. No. 2014-31 § 23)

(1)It is intended that the common open space required in single- family subdivisions where the lot area has been reduced from that of a conventional subdivision be a compensation to occupants for reduced lot area. It is further intended that common open space be usable and be provided for occupants outside of the lot but within the subdivision.(2)The minimum lot area requirement for single- family structures is specified in Table 14-7.2-1; however the lot area may be reduced to a minimum of two thousand (2,000) square feet if common open space is provided equal to the sum of lot area reductions within the subdivision.

Table 14-9.2-1: Design Criteria for Street Types

(Ord. No. 2013-16 § 59)

TABLE 14-9.2-1: Design Criteria for Street Types

See also Chapter 12 Fire Prevention and Protection — International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000—5,000	1,000—5,000	300—1,000	300—1,000	0—300	Minimum
Dwelling Unit Access						30—100	30—100	0—30	(0—8)
Minimum Right-of-way Width	120	98	70	52	50	42	50 or 56	38 or 42	NA
Slope/Grading Easement (conditional upon staff review)	0—30	0—30	0—30	0—30	0—30	0—30	0—30	0—30	NR
Number of Auto Lanes	6—7 Note 2	4—5 Note 2	2—3 Note 2	2	2	2	2	2	1
Width of Driving Lanes	11	11	11	10	10	8	10	9	10
Median/Turn Lane Width	18	18	14	NR	NR	NR	NR	NR	NR
Minimum Bikeway Width	5	5	5	4	NR	NR	NR	NR	NR
On-Street Parking Width	NA	NA	NA	NA	6 Note 3	NA	6 Note 4	NA	NA
Curb & Gutter	2	2	2	2	2	2	2	2	NR
Minimum Sidewalk Setback	5	5	5	5	NR	5	5	0 or 5 Note 5	NR
Minimum Sidewalk Width	6	6	5	5	7	5	5	5	NR

Notes:

NA - Not Applicable

NR - Not Required

1. Refer to Subsection 14-9.2(C)(8) for additional standards for lanes and lot access driveways. Lot access driveway standard applicable to access from street to not more than eight single family lots

2. Includes Median/Turn Lane

3. Parking required on both sides of street, except no parking on that side of a street adjoining the plaza.

4. Parking may be on one side or both sides of the street, parking lane should not be continuous. ( )

All measurements in feet, unless otherwise noted.

**October 06, 2020**  
**Planning Commission**  
**Case #2020-2499 & 2020-2592**  
**1623 Camino De Cruz Blanca**  
**Variances**

# **EXHIBIT**

# **G**

Applicant Material



**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

---

915 MERCER STREET \* SANTA FE, NEW MEXICO 87505  
(505) 983-5588 \* FAX (505) 989-7313  
[jim@jwsiebert.com](mailto:jim@jwsiebert.com)

August 17, 2020

Noah Berke  
Senior Planner  
P.O. Box 909, 200 Lincoln Ave.  
Santa Fe, NM 87504

Dear Mr. Berke:

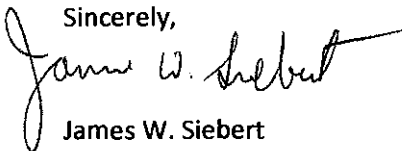
On behalf of Mr. Alton Walpole I am submitting an application for variances for Section 14-9.2-1 Maximum of 8 lots on a 10 foot road and Section 14-7.2.(B)(5) Area of Difficult and Mountainous Terrain.

The following material is submitted with this application:

- Completed application form signed by Mr. Walton
- Response to Approval Criteria for 14-9.2-1
- Response to Approval Criteria for 14-7,2(B)(5)
- Informational Letter
- Check for \$500 for application fee

Please schedule the request for the next available Planning Commission meeting.

Sincerely,



James W. Siebert

Xc: Alton Walpole  
Dan Esquibel



**PLANNING COMMISSION  
VARIANCE APPLICATION  
SUBDIVISION OR DEVELOPMENT PLAN STANDARDS**

**Parcel Information**

Project Name: 1623 CAMINO CRUZ BLANCA VARIANCES OF 14-7.2(B)(5) MOUNTAINOUS AND DIFFICULT TERRAINS AND 14-9.2.8(E) & TABLE 14-9.2.1 Property  
 Address: 1623 CAMINO CRUZ BLANCA Size: 5.62 ACRES  
 Zoning: R-1 Proposed Use of Land: \_\_\_\_\_  
 Does this project have a Final Development Plan approval? YES  NO  Case Number: \_\_\_\_\_  
 Early Neighborhood Notice (ENN) meeting date: 8/4/20 Uniform Parcel Code Number: 1-056-098-369-274  
 Preapplication Conference Date: \_\_\_\_\_

**Property Owner Information**

Company Name: \_\_\_\_\_  
 Name: ALTON & CYNTHIA WALPOLE  
First Last  
 Address: 1623 CAMINO CRUZ BLANCA  
Street Address Suite/Unit #  
SANTA FE NM  
City State ZIP Code  
 Phone: ( ) \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**Applicant/Agent Information (if different from owner)**

Company Name: JAMES W. SIEBERT & ASSOC  
 Name: \_\_\_\_\_  
First Last  
 Address: 915 MERCER ST  
Street Address Suite/Unit #  
SANTA FE NM 87505  
City State ZIP Code  
 Phone: (505) 983-5588 E-mail Address: VICTORIA@JWSIEBERT.COM  
 Correspondence Directed to:  Owner  Applicant  Both

**Affidavit to Authorize Agent (if applicable)**

I am/We are the owner(s) and record title holder(s) of the property located at: 1623 CAMINO CRUZ BLANCA  
 I/We authorize JAMES W. SIEBERT & ASSOC to act as my/our agent to execute this application.  
 Signed: Alton Walpole Date: 8/14/20  
 Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Submittal Checklist**

Six (6) 24"x36" plan sets and one (1) CD are required. Please include the following:

<input type="checkbox"/> Letter of Application (intent, location, acreage)	<input type="checkbox"/> Statement addressing approval criteria	<input type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Development Plan (as defined by Section 14-3.8 SFCC 2001)	<input type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications
<input type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 2001)	<input type="checkbox"/> Traffic Impact Analysis (if required)	<input type="checkbox"/> Proof of Compliance with Conditions of Annexation Approval (if applicable)	<input type="checkbox"/> Sewer and Water Plan (including profiles and details)	<input type="checkbox"/> ENN Meeting Notes
<b>Variances from Subdivision Regulations (Section 14-3.16 (C) SFCC 1987)</b>				

**(C) Approval Criteria**

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

- (1) One or more of the following special circumstances applies:
  - (a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;
  - (b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;
  - (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or
  - (d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing or significant property* pursuant to Section 14-5.2 (Historic Districts).
- (2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.
- (3) The *intensity of development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.
- (4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:
  - (a) whether the *property* has been or could be used without variances for a different category or lesser *intensity of use*;
  - (b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.
- (5) The variance is not contrary to the public interest.
- (6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

**Note: If application is being made for Development in Special Flood Hazard Areas, then justification must be provided with the above approval criteria and the criteria found in Section 14-3.10(E) SFCC 1987.**

**Signature**

*I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.

Title Guaranty & Ins.  
TG&IC # SF10-0379

REC CLERK RECORDED 08/17/2010

**WARRANTY DEED**  
(JOINT TENANTS)

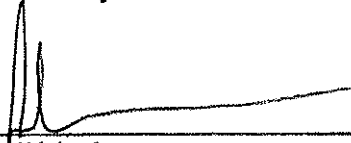
Alton Walpole, for consideration paid, grant to Alton Walpole and Cynthia Christian, husband and wife, as joint tenants with rights of survivorship, whose address is 1623 Camino Cruz Blanca, Santa Fe, NM 87505, the following described real estate in Santa Fe County, New Mexico:

Tract Four (4), as shown on plat entitled "Lands of J.W. Schepps, A.L. Thomas A. Walpole & P. Pinnell, Jr...", filed in the office of the County Clerk, Santa Fe County, New Mexico, on September 23, 1977, in Plat Book 57, page 7, as Document No. 408,717.

SUBJECT TO: Restrictions, reservations and easements of record.  
ALSO SUBJECT TO: Ad valorem property taxes for the year 2010 and subsequent years.

with warranty covenants.

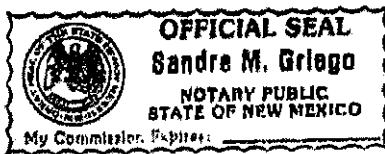
WITNESS my hand and seal this 17th day of August, 2010.

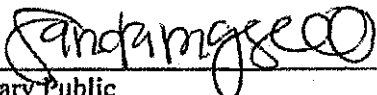
  
\_\_\_\_\_  
Alton Walpole

**ACKNOWLEDGMENT**

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

This instrument was acknowledged before me on August 6, 2010 by Alton Walpole.




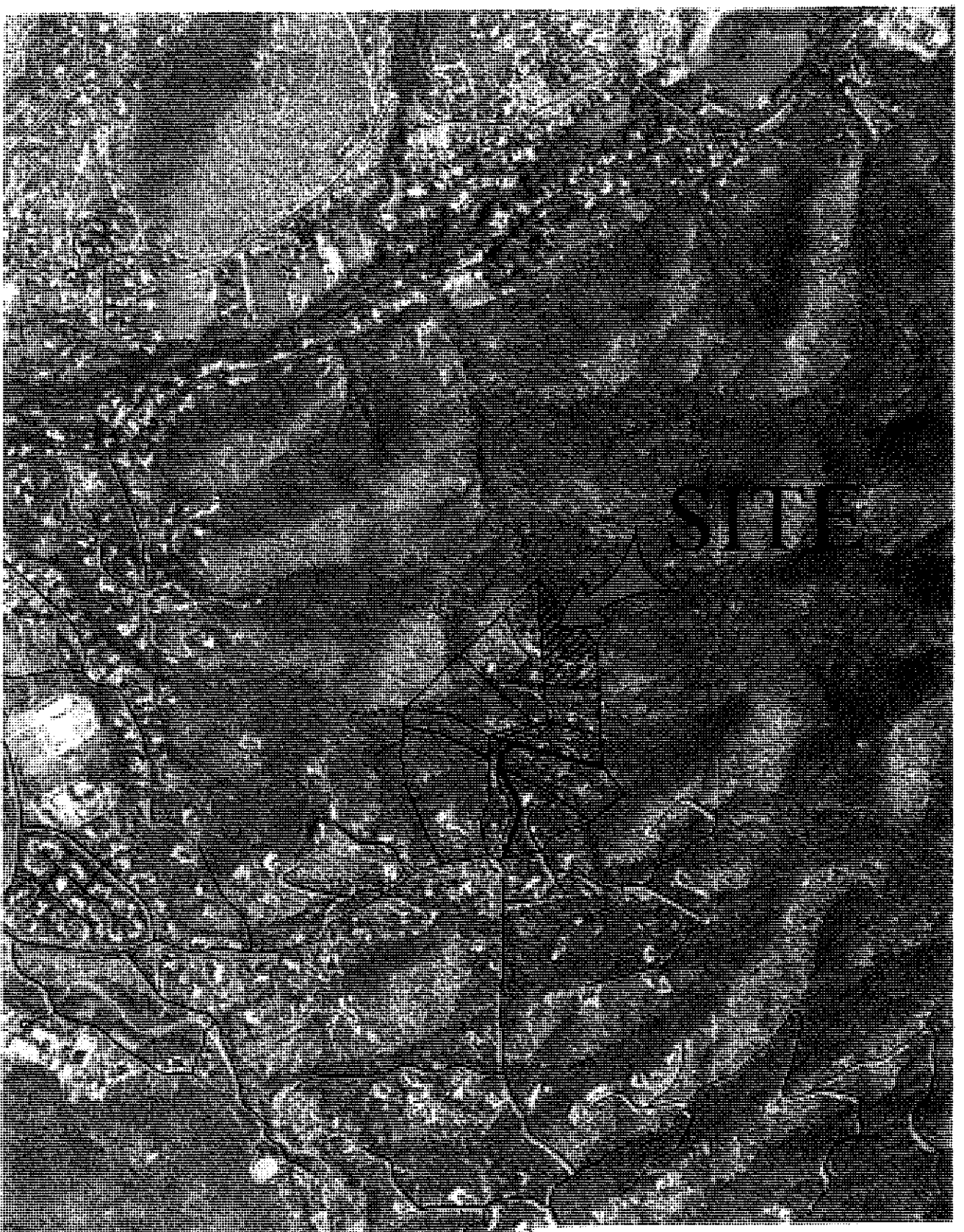
  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 2/17/11



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) as  
I Hereby Certify That This Instrument Was Filed for  
Record On The 17TH Day Of August, 2010 at 03:56:50 PM  
And Was Duly Recorded as Instrument # 1608059  
Of The Records Of Santa Fe County

WARRANTY DEED  
PAGES: 1

Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy  County Clerk, Santa Fe, NM



**JAMES H. GILBERT**  
LAND SURVEYORS, INC.

**ALTON HENFORD**

Scale  
1" = 1,000'

2000 2000 2000 2000 2000 2000 2000 2000 2000 2000



**SECURITY**



2000 2000 2000 2000 2000 2000 2000 2000 2000 2000

LOT 2, TRACT 3  
N/P  
PAIGE PINNELL  
PLAT BK 325 Pg. 040

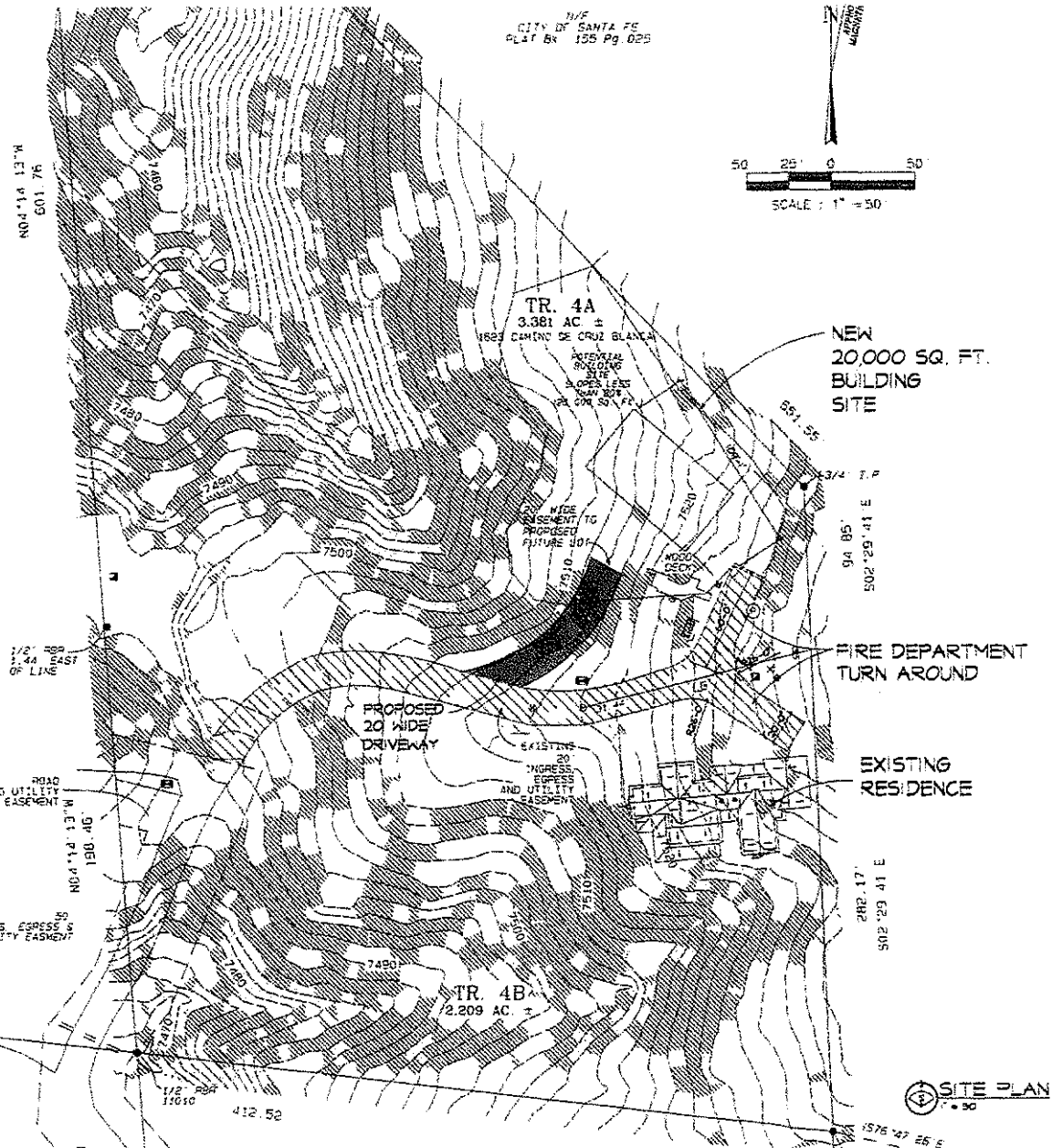
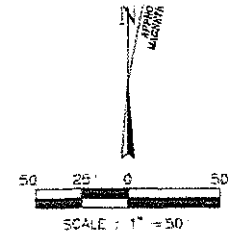
**LEGEND**

- POINTS FOUND
- ⊕ WELL AND PUMP HOUSE
- × YARD HYDRANT
- ⊠ ELECTRIC TRANSFORMER
- ⊞ ELECTRIC METER
- ⊞ TELEPHONE PEDESTAL
- ⊞ ELECTRIC OUTLET
- ⊞ PORTAL

- COVOTE FENCELINE
- EXISTING DIRT/GRAVEL ROADS OR DRIVEWAYS
- ▨ SLOPE > 30%
- ▨ SLOPE 20% - 30%
- NO HATCH SLOPE < 20%

TRACT 1-B  
N/P  
LONE  
BK 235 Pg. 205

N/P  
CITY OF SANTA FE  
PLAT BK 155 Pg. 025



APPROVALS	DATE
OWNER	DATE
DRAWN BY	DATE
CHECK BY	DATE
ENGINEER	DATE
<b>DESIGN SOLUTIONS®</b> LANDSCAPE ARCHITECTS 1140 WEST ALAMEDA STREET, SANTA FE, NM PH: 505 986 8281 FAX: 505 986 1055	
<b>WALPOLE RESIDENCE</b> 1623 CAMINO CRUZ BLANCA SANTA FE, NEW MEXICO	
DATE	DATE
REVISION	DATE
<b>A-1</b>	

**SITE PLAN**  
7.30



**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

---

**915 MERCER STREET \* SANTA FE, NEW MEXICO 87505  
(505) 983-5588 \* FAX (505) 989-7313  
[jim@jwsiebert.com](mailto:jim@jwsiebert.com)**

**INFORMATIONAL LETTER**

Noah Berke  
Senior Planner  
P.O. Box 909, 200 Lincoln Ave  
Santa Fe, NM 87504

Re: Alton Walpole Variance Requests

Dear Mr. Berke

This letter provides the background information that cannot be conveyed in the response to the variance criteria.

**Explanation of Difficult and Mountainous Terrain**

The Difficult and Mountainous Terrain provision was adopted in the 1980's in response to retaining walls failing and collapsing due to heavy rains or poor construction and more construction taking place on Santa Fe's hillsides. Although much of the property on the north side of Santa Fe was already zoned R-1, there was desire to further reduce the density in selected areas where steep slopes dominated the landscape. It is my belief that the 25 percent reduction in density was directed to the R-1 and higher density zoning in the north side areas. The application of a 2.5 acre minimum lot size for lots without city sewer and water was not given much consideration when the Difficult and Mountainous Terrain ordinance was adopted. The 2.5 acre minimum lot size was based on the County requirement at the time for lots served by an on-site sewer and water.

R-1 land served by city water or city sewer within the area of Difficult and Mountainous Terrain may be developed at one dwelling per 1.25 acres. If neither of the two utilities are available the requirement is one dwelling per 3.33 acres. That is a significant increase in area compared for R-1 land with at least one of the city utilities. The imposition of Difficult and Mountainous Terrain on lots without city water and sewer is a significant burden on the land owner.

### Difficult and Mountainous Terrain as a Dimensional Standard

The various zoning districts are set forth in Chapter 14-4.2 and 14-4.3 of the Land Development Code. The area of Difficult and Mountainous Terrain is not listed as a zoning district. The residential zoning districts set the maximum allowed densities. Overlay districts also can set maximum allowed densities based on the underlying zoning. Chapter 14-5.1(A)(1)-(9) in describing the overlay districts does not mention the area of Difficult and Mountainous Terrain as an overlay district. The point being that it must therefore be a dimensional standard, like a setback or height standard.

### Road Variance

The variance is requesting one more additional lot than the permitted 8 lots on a 10 foot roadway as set forth in 14-9.2-1 in the Santa Fe City Code. In this case the roadway varies in width from 13 feet to 15 feet. The lot split would create the ninth lot served by the private road. A covenanted agreement among the land owners served by Camino Cruz Blanca private road is attached as Exhibit B. Article 4 on page 5 describes the payments and maintenance requirements for the private road. Mr. Walpole has stated that all lot owners participate in the cost for the maintenance and improvements to the road. Mr. Walpole is the administrator for the collection of money for the road maintenance and improvements. Improvements consist of widening the road where there is sufficient easement, adding basecourse where needed and maintaining or replacing culverts. Maintenance is undertaken at least once a year.

The point here is that in other areas of Santa Fe on private roads where the access is 10 feet in width often there is no formal organization to maintain and improve the roads and there is no requirement in city code to do so. Given the level of maintenance that is occurring on Camino Cruz Blanca one additional dwelling has little impact expect to add to the money collected for road maintenance. The new lot will be subject to the covenants the same as the existing lots and therefore the owner of this lot will be obligated to participate in road maintenance costs.

It also needs to be pointed out the City Code has taken into account where older roads may have to be permitted to allow for conformance with the unique neighborhood condition. The City Code, Section 14-9(4)(b) states that "The arrangement of streets in a development shall: (b) conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area.

Xc: Dan Esquibel  
Alton Walpole

**DECLARATION OF PROTECTIVE COVENANTS**

THIS DECLARATION is made this 28<sup>th</sup> day of November, 2005, by PAMELA MESSER, a single woman; WILLIAM H. DONAHUE and DANA DENSMORE, husband and wife; MATTHEW and MARY SAMPLE, husband and wife; ALTON WALPOLE and CYNTHIA CHRISTIAN, husband and wife; RICHARD FERBER and POLLY TAPIA FERBER, husband and wife; and KENNETH and MARY ANN LOWE, husband and wife; (hereinafter collectively referred to as "Owners").

WHEREAS, Owners are the owners of certain parcels of real estate in Santa Fe, County, New Mexico, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference, and desire to impose the provisions of this Declaration on and subject all of the above described real estate to the covenants, hereinafter stated, including easements, for the purpose of protecting the value and standards of said real estate, the terms of which shall run with the land and be binding upon and inure to the benefit of all parties having any right, title or interest in or to the above described real estate, or any part thereof, and their successors and assigns.

NOW, THEREFORE, Owners hereby declare that the Properties shall be subject to the following covenants, conditions and restrictions:

**ARTICLE 1  
DEFINITIONS**

Wherever used herein, the following terms shall have the following meanings:

1.1 "Properties" shall mean and refer to the real estate described in Exhibit A attached hereto and such additions as may hereafter be brought within the jurisdiction of this Declaration;

1.2 "Lot" shall mean and refer to each of the six (6) Lots inclusively as described in and listed as Lots or Tracts in Exhibit A;

1.3 "Easements" shall mean and refer to all easements affecting the Properties and recorded as of the date of this Declaration, provided further that "Private Road Easement" shall refer to the road access easement as shown on the plat entitled "Lands of J.W. Schepps, A.L Thomas, A. Walpole & P. Pinnell, Jr., Ward No. One, Santa Fe, New Mexico" dated September 3, 1977 and recorded as number 408,717 in the County Clerk's office of Santa Fe County, New Mexico.

1.4 "Guest House" shall mean a second residence on the Property occupied, full-time or part-time, by the family members or guests of the Owners.

1.5 "Structure" means any residence, dwelling, garage, outbuilding or wall.

SFC CLERK RECORDED 12/27/2005

**ARTICLE 2  
SUBDIVISION AND STRUCTURES**

2.1 *Intent.* The intent of Owners herein is (i) to attempt to ensure the protection of view corridors for the various Lots while recognizing that complete protection is not always possible; (ii) to limit the density of structures on the Lots and (iii) to avoid large scale monolithic structures.

2.2 *Subdivision.* The minimum lot size shall be 2.2 acres. No subdivision of or other adjustment of any Lot shall be permitted that will create a lot smaller than this size. Any lots created by the subdivision of any Lot shall be fully subject to the covenants and restrictions contained in this Declaration.

2.3 *Combination.* Combinations of Lots shall be permitted subject to the approval of the City of Santa Fe and the execution and acknowledgment by the Owner of the Lots to be combined, of an instrument specifying such combination and giving the metes and bounds description and Lot number of the newly created Lot. Such instrument shall be filed for record by the Owner in the real estate records of Santa Fe County, New Mexico, before such combination is considered to have been completed hereunder. Once combined, the newly created Lot shall not be resubdivided thereafter. No combination of Lots shall be deemed an amendment or release of the covenants and restrictions herein.

2.4 *Lot Line Adjustments.* Lot line adjustments between Lots shall be permitted subject to the approval of (i) all Owners, (ii) the City of Santa Fe, and (iii) the execution and acknowledgment by the Owners of the Lots to be adjusted, of an instrument specifying such adjustment and giving the metes and bounds description and Lot number for each of the adjusted Lots. Such instrument shall be filed for record by the affected Owners in the real estate records of Santa Fe County, New Mexico, before such adjustment is considered to have been completed hereunder. No adjustment of Lot lines shall be deemed an amendment or release of the covenants and restrictions herein.

2.5 *Permitted and Prohibited Structures.* No structure shall be erected, altered, placed or permitted to remain on any Lot or building site subject to this Declaration other than one single-family dwelling for private use, a Guest House, a private studio, a private garage, recreational facilities, storage sheds, solar heating devices, evaporative cooler or coolers, and improvements incidental to residential use of the Lot. Condominium units, each of which is owned and occupied by unrelated parties, are specifically prohibited.

2.6 *Size Limitations.* No Lot shall have structures totalling more than 6,000 square feet of roofed floor area. No single structure shall have more than 3,500 square feet of roofed floor area.

SFC CLERK RECORDED 12/27/2005

**ARTICLE 3  
COMMON SCHEME RESTRICTIONS AND REQUIREMENTS**

**3.1 Trees and Landscaping.** The living native growth of the Properties, including but not limited to cacti, pinon, ponderosa pines and juniper trees, shall not be destroyed or removed without the prior approval of all of the other Owners, except such native growth and flora as may be necessary to remove for the construction and maintenance of roads, driveways, dwellings and other approved structures. Dead trees may be removed.

**3.2 Utilities.** All electrical service, gas lines, water lines, cable television, telephone lines or other utilities shall be placed underground and installed in or adjacent to the driveway.

**3.3 Trash.** No Lot shall be used for the storage or dumping of rubbish or debris of any kind, or for the storage of any property or thing that will be toxic, dangerous, or unhealthy, and no substance, thing or material may be kept upon any Lot that will emit foul or obnoxious odors. Before and after construction, the storage of construction material, supplies and equipment shall be prohibited unless placed out of view of other Lot Owners.

**3.4 Noise.** No devices emitting undesirable noise levels or that will cause any noise that will disturb the peace, quiet, comfort, or serenity of any occupants or Owners of Lots shall be permitted on the Lots. Burglar alarms must be kept in good working order so that they do not go off without intrusions into the structure protected. Burglar alarms must be turned off within ten minutes after going off.

**3.5 Concrete Slurry.** During or after construction of improvements to any Lot, no concrete slurry shall be left on any Lot or within the Easements.

**3.6 Storage Tanks.** Any tanks for use in connection with any residence, including tanks for the storage of liquefied petroleum gas and fuel oil, gasoline, oil or water, must be buried or concealed by walls, trees, or fences so as to conceal them from view from other Lots and the Easements.

**3.7 Towers.** No derrick or other structure designed for use in boring for oil or natural gas, and no cellular telephone, radio or television transmission towers shall be erected, placed or permitted; and the production or extraction of oil, natural gas, petroleum, asphalt or hydrocarbon products or substances shall not be permitted. No exterior antenna of any sort, including satellite dishes, shall be installed or maintained on any Lot, except those devices which are erected, installed, placed or maintained and used entirely under the eaves or enclosed within a building or Structure or screened from view from other Lots and Easements or which are otherwise specifically authorized by the Declaration.

Notwithstanding the foregoing, television antennae (but not satellite dishes) may extend two (2) feet above the parapet.

3.8 *Animals*. Domestic animals are permitted. No livestock, including horses shall be permitted on any Lot. No animals of any kind may be kept on any Lot for commercial purposes. Animals may not be kept on any Lot in any manner which creates a nuisance or is offensive to the neighboring Lots, whether by reason of noise, habits, odors, or otherwise, anything to the contrary hereinabove notwithstanding. The Owners shall have the right to demand the removal of any animals which are kept in violation of this Declaration. Enclosures for animals shall be constructed in accordance with this Declaration.

3.9 *Exterior Lights*. All exterior lights must be located so as not to be directed toward surrounding lots, properties or roads. Bright, glaring lights on roof tops and patio walls or elsewhere are prohibited.

3.10 *Conservation*. All Lot Owners are urged to practice indoor and outdoor water conservation measures. "Alternative" energy sources such as solar heat, wind generators, etc. are encouraged. All construction must comply with the published water conservation criteria of the City and County of Santa Fe.

3.11 *Drainage*. Surface drainage courses within Lots are to remain in their natural state, except for diversion approved by the Owners.

3.12 *Hunting and Firearms*. No hunting shall be permitted within the Properties, and no discharge of firearms shall be permitted within the Properties.

3.13 *Private Easements*. No dirt bikes, motorcycles, off-road vehicles or any unlicensed vehicles of any kind shall be driven or permitted on the Easements except for ingress and egress to an Owner's residence. No motor-driven vehicle shall be driven or permitted in the Properties except on the Easements or the driveways within the Properties. Mountain bikes may only be used on the Easements and private driveways.

3.14 *Ground Water*. Ground water shall not be impounded by any Owner in any way which might adversely affect other Owners of the Properties.

3.15 *Discharge of Explosives*. No explosive material may be discharged on any lot except for bona fide construction purposes and then only after all inhabitants of the Properties have been duly notified in advance of the proposed discharge of an explosive material and only in a manner that shall reduce to a minimum the noise, vibration and other impact of the proposed discharge.

**ARTICLE 4  
ROAD MAINTENANCE**

4.1 *Owners' Approval.* Whenever any provision of this Article 4 requires the approval of or action by the Owners, such approval or action shall require the consent of at least two-thirds (2/3) of the owners of the Lots which (i) are then on record with the Office of the County Clerk of Santa Fe County and (ii) are currently used for residential purposes. For purposes of determining this consent, each such Lot, existing at the time of execution of this Declaration or created subsequently to such execution by a permitted combination, subdivision or Lot split, shall have one (1) vote, regardless of the number of Owners of record of the particular Lot.

4.2 *Determination of the Need for Maintenance.* At least once a year, and at least seventy-five (75) days prior to the end of the calendar year, a meeting of the Owners shall be held, or the Owners' views shall be otherwise solicited, to determine whether road maintenance is needed, and what such maintenance should be. All Owners shall be consulted, and no road maintenance of any kind shall be undertaken without such consultation. All road maintenance shall require approval as set forth in Section 1 of this Article.

4.3 *Apportionment of Expenses.* If road maintenance is approved as set forth above, the costs for such road maintenance shall be apportioned among the Owners approximately in proportion to the length of the road from Camino de la Cruz Blanca to the respective Lots, or in some other equitable manner agreed upon by the Owners in accordance with Section 1 of this Article.

4.4 *Mutual Covenants to Pay Apportionments.* The Owners covenant and agree with each other to pay all apportionments as determined hereunder, except that no Owner shall be required to pay more than \$400.00 (four hundred dollars) plus 5% for each year after 2005, in any calendar year.

4.5 *Personal Debt of Owner.* The amount of road maintenance expense apportioned to the Owners shall be the personal and individual debt of the Owner of record thereof at the time the apportionment is made. Suit to recover a money judgment for unpaid assessments shall be maintainable.

4.6 *Prior Agreement.* On or about June 8, 1986, some of the Owners signed a Road Maintenance Agreement. As among the Owners who have executed both this Declaration and said Agreement, this Declaration shall control.

**ARTICLE 5  
GENERAL PROVISIONS**

6.1 *Enforcement.* Any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, servitudes, reserva-

SANTA FE COUNTY CLERK RECORDED 12/27/2005

tions, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by a party to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. Any Owner may enforce this Declaration regardless of whether the enforcement sought concerns a Lot that is contiguous to the Owner's Lot. Any waiver of any requirement of this Declaration with respect any Lot shall not be deemed a waiver of such requirement with respect to any other Lot. Violations of any requirement of this Declaration in existence on the effective date of this Declaration shall not be deemed a waiver with respect to any subsequent violations.

6.2 *Notices.* Any notices required or permitted to be delivered hereunder shall be deemed to be delivered when personally delivered to the respective addressee or upon deposit of the same in the United States mails, postage prepaid, certified or registered mail, return receipt requested at the address shown below.

6.3 *Severability.* Invalidation of any provision of this Declaration by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

6.4 *Exhibits.* Each and every exhibit attached hereto is incorporated herein by this reference.

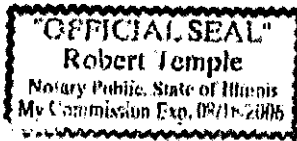
6.5. The covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years; provided, however, that (i) Owners holding at least sixty percent (60%) of the total number of existing Lots may execute and acknowledge an appropriate instrument within one (1) year and not less than ninety (90) days prior to the expiration of said initial twenty (20) year period or prior to the expiration of any ten (10) year extension period thereafter, that provides a release of the land subject hereto from all of the restrictive covenants contained in this Declaration, or a change, amendment, modification or revision of any of the restrictive covenants; or (ii) Owners holding at least eighty percent (80%) of the total number of existing Lots may execute and acknowledge an appropriate instrument at any time, that provides a change, amendment, modification or revision of any, but less than all, of the restrictive covenants, except as prohibited herein. Every amendment or release must be recorded in the real estate records of Santa Fe County, New Mexico.

6.6 *Binding Effect.* This Declaration shall be binding upon and shall inure to the benefit of the Owners and their respective heirs, successors and assigns, including lessees, easement holders, licensees, and invitees, and shall run with the land.

IN WITNESS WHEREOF, Owners have executed this Declaration this 7<sup>th</sup> day of Nov 2005.

Talaya Hill Covenants, 10/24/05

*[Handwritten signature]*  
*[Handwritten signature]*



Page 6

*[Handwritten initials]*

REC'D CLERK RECORDED 12/27/2005

**EXHIBIT A  
LOTS**

Tracts 1-A and 1-B as shown on a plat of survey entitled "Lands of Pamela Messer" recorded on 2 October, 1979, in Book 72, page 13, records of Santa Fe County, New Mexico.

Tracts 2 and 4 as shown on a plat of survey entitled "Lands of J. W. Schepps, A. L. Thomas, A. Walpole & P. Pinnell, Jr." recorded on 23 September, 1977, in Book 57, page 7, records of Santa Fe County, New Mexico.

Lot 1, Tract 3 as shown on a plat of survey entitled, "Lot Consolidation and Lot Line Adjustment Survey of the 'Paige Pinnell Replat'" recorded on 8 February 1996, in Book 326, page 40, records of Santa Fe County, New Mexico.

Tract 5A as shown on a plat of survey entitled, "Fineberg Subdivision" recorded on 25 February 1986, in Book 161 page 49, records of Santa Fe County, New Mexico.

RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO )

COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 18 day of November, 2005

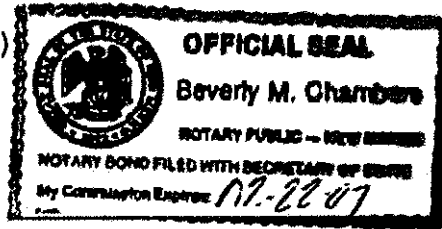
Pamela Messer

*Pamela Messer*

*Beverly M. Chambers*  
Notary Public

My commission expires: 07-22-07

(Seal)



CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO )

COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of November 2005

William H Donahue  
Dana Densmore

William H. Donahue and Dana Densmore

Lois E Kay  
Notary Public

My commission expires: 8/12/07

(Seal)



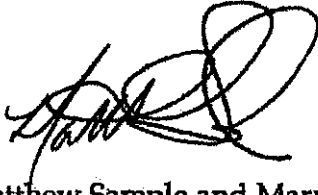
ST. CLERK RECORDED 10/27/2005

ACKNOWLEDGMENT

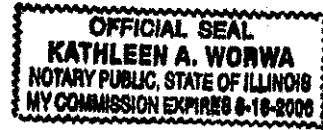
STATE OF ILLINOIS )

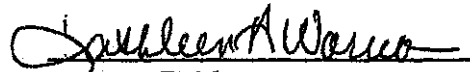
COUNTY OF LAKE )

The foregoing instrument was acknowledged before me this 19 day of August 2005

 Mary Sample

Matthew Sample and Mary Sample



  
Notary Public

My commission expires: 8-18-2008

(Seal)


SPRINGFIELD CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO )

COUNTY OF SANTA FE )

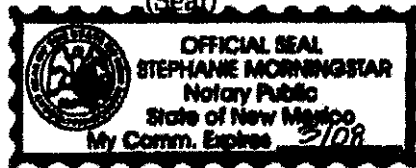
The foregoing instrument was acknowledged before me this 19 day of ~~NOVEMBER~~ 2005

 *Cynthia Christian*  
Alton Walpole and Cynthia Christian

  
Notary Public

My commission expires: 3/08

(Seal)



REC'D CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO )

COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14 day of NOVEMBER, 2005

*[Signature]* Richard Ferber

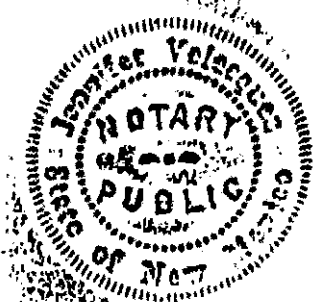
*[Signature]* Polly T Ferber

Richard Ferber and Polly Tapia Ferber

*[Signature]*  
Notary Public JENNIFER VELASQUEZ

My commission expires: 3-30-08

(Seal)



RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF TEXAS )

COUNTY OF DALLAS )

The foregoing instrument was acknowledged before me this 16 day of July, 2005

*Kenneth Lowe & Mary Ann Lowe*  
Kenneth Lowe and Mary Ann Lowe

*Gheryl Collins*  
Notary Public

My commission expires: 7/16/06

(Seal)



*Valerie Espinoza*

REC'D CLERK RECORDED 12/27/2005

**Variance from minimum lot size for lots in Difficult and Mountainous Terrain  
Section 14-9.2.8(e)**

**(C) Approval Criteria**

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

*Mr. Walpole bought the subject lot in 1977. The ordinance adopting the standards for "Difficult and Mountainous Terrain" were not adopted until 1987 Mr. Walpole had the right to split his lot allowing for two lots on the 5.6 acre parcel. The proof of ownership is provided by warranty deed and plat in Exhibit A-1.*

(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

*There is the issue of the cumulative impact of the .75 reduction on lots with no city water and city sewer where the minimum lot size is 2.5 acres. For example, a 10 acre lot zoned R-1, with city water and sewer, or city water or city sewer would be permitted one dwelling per acre or 10 lots assuming there is no flood plain. If the 10 acre lot is located in an area of Difficult and Mountainous Terrain the number of lots is:  $10 \times .75 = 7.5$  lots. A fractional density must be reduced to the next whole number which in this case results is 7 lots. If the same 10 acre lot has no city water or city sewer the number of lots is reduced to 4 ( $10 \div 2.5 = 4$ ), and with the required .75 reduction the maximum number of lots would be 3, which is considerably less than the seven lots permitted with city sewer and city water.*

*Due to ordinances that have been adopted since the area of Difficult and Mountainous Terrain was imposed, such as maximum height of retaining walls, management of storm water runoff, mandatory revegetation, limitation on the heights of cut and fill slopes, escarpment regulations,*

*and limits on height of structures the impact on the hillside from a visual and terrain management standpoint have been considerably reduced.*

*The requirement for a 2.5 acre minimum lot size for lots created in the area of Difficult and Mountainous Terrain would by itself accomplish the goal of protecting Santa Fe's hillsides. Drilling a well on the lot does not create any significant disturbance to the land. Leach fields required for liquid waste disposal must be approved by the New Mexico Environment Department and can follow the contours of the land snaking in and out of trees. The 2.5 acre minimum lot size by itself accomplishes the intent of the area of Difficult and Mountainous Terrain and the cumulative impact of adding a further reduction in density does nothing to further protect the hillside environment.*

(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

*There are 5 lots in the same area served by Camino Cruz Blanc that are less than the lot size of 3.3 acres, all of which are not served by city water or city sewer. Mr. Walpole is seeking approval of what has either been allowed by the city or lots that existed prior to the adoption of the area of Difficult and Mountainous Terrain. The location of these lots is shown on Exhibit A-2.*

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

*There are other lots in close proximity to Mr. Walpole that are equal or lesser in size to the lots proposed by Mr. Walpole. The area of Difficult and Mountainous Terrain is not a zoning district nor an overlay district. It is clear that the minimum lot size from a zoning standpoint per Table 14-7.2-1 is one dwelling per 2.5 acres. Mr. Walpole can comply with that requirement since he has 5.6 acres of land and can divide them in such a way that each is a minimum of 2.5 acres.*

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

*Mr. Walpole currently has his residence on the 5.6 acre lot. A lesser intensity without a variance would mean that he is unable to create another lot putting Mr. Walpole at a disadvantage to other lots created in the area that are less the 3.3 acres required by the City.*

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

*The general plan promotes infill within the urban area. The proposed lot split is in conformance with the mandatory density of 2.5 acres but short of the additional reduction in lot size created by the cumulative impact of imposing the dimensional standard of the area of Difficult and Mountainous Terrain.*

(5) The variance is not contrary to the public interest.

*At the Early Neighborhood Notice meeting the majority of owners of lots served by Camino Cruz Blanca attended the virtual meeting. All owners attending the virtual meeting were in support of the variance for the lot split. There is no impact to the broader public since any additional construction on the property would have limited visibility from outside the immediate area of the properties served from Camino Cruz Blanca.*

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

SPECIAL WARRANTY DEED

Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a single man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, for consideration paid grants to Alton Walpole, as his sole and separate property, whose address is Santa Fe, New Mexico, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract Four, containing 5.620 acres ±, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717;

TOGETHER with an easement for ingress and egress for any purpose and an easement for utility purposes in and upon that certain road and parking easement as more particularly described and shown on the aforesaid Plat of Survey, AND grantors and grantee covenant that the grantee shall be obligated to pay one-fifth of all expenses which may be required to maintain the road described on the Plat of Survey in a passable condition for the purposes of the heretofore described easements with said covenant to run with the land; and

SUBJECT TO that certain Mortgage recorded March 18, 1976 in Book 247, page 902 of the records of Santa Fe County and any other easements, restrictions or covenants of record.

with special warranty covenants.

WITNESS our hands and seals this 14th day of October,

1977.

Ann Randolph Nichols  
Ann Randolph Nichols, Attorney  
in Fact for Paige Pinnell, Jr.

Joseph William Schepps  
Joseph William Schepps

354128

Arthur L. Thomas  
Arthur L. Thomas

Alton Walpole  
Alton Walpole

STATE OF NEW MEXICO )  
                          ) SS.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Randolph Nichols, Attorney in fact for Paige Pinnell, Jr.

Juliet R. Langford  
Notary Public



My Commission Expires:

6/21/80

STATE OF NEW MEXICO )  
                          ) SS.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Juliet R. Langford  
Notary Public



My Commission Expires:

6/21/80

CC. - FY. OF SANTA FE )	409-851
ST. CL. CP. NEW MEXICO )	
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED	
ON THE <u>17</u> DAY OF <u>Oct.</u> A.D.	
<u>1977</u> AT <u>11:11</u> O'CLOCK <u>A.M.</u>	
FILED IN MY BOOK _____	
_____ CLERK OF SANTA FE COUNTY	
COUNTY CLERK, Santa Fe County, N.M.	
<u>Heidi Bauls</u>	Deputy

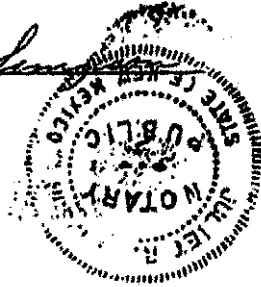


354127

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Juliet R. Simpson  
Notary Public



My Commission Expires:

6/21/80

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Juliet R. Simpson  
Notary Public



My Commission Expires:

6/21/80

WARRANTY DEED

ANN RANDOLPH NICHOLS, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception No. 409,716 for PAIGE PINNELL, JR., a single man dealing with his separate property; JOSEPH WILLIAM SCHEPPS, a single man; ARTHUR L. THOMAS, a single man; and ALTON WALPOLE, a single man, for consideration paid, grant to PAMELA J. MESSER, a single woman and PATRICK N. CAFFEE, a single man as tenants in common, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract One, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, no. plat #408,717.

SUBJECT TO: Reservations, restrictions and easements of record and taxes for 1977 and subsequent years.

with warranty covenants.

~~WITNESS OUR HANDS and seals this 1st day of November, 1977.~~

PAIGE PINNELL, JR.

Ann Randolph Nichols  
By: Ann Randolph Nichols,  
Attorney in Fact

ARTHUR L. THOMAS

Joseph William Schepps  
JOSEPH WILLIAM SCHEPPS

ALTON WALPOLE

STATE OF NEW MEXICO )  
                                  ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 1st day of November, 1977 by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr., Joseph William Schepps, Arthur L. Thomas and Alton Walpole.

\_\_\_\_\_  
Notary Public

My Commission Expires:

MUTUAL EASEMENT

IT IS AGREED BY AND BETWEEN Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a married man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, AND Frank Chapman dealing in his sole and separate property; and Frank Chapman, as Attorney in Fact for Robert K. Potter, Jr., pursuant to that Power of Attorney recorded in the County of Santa Fe, New Mexico;

WITNESS, the parties hereto, for mutual consideration, hereby grant onto each other, a perpetual easement upon the following described lands, for ingress and egress for any purpose and an easement for utility purposes in and upon that portion of a road described on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J.W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO, filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717 as more particularly described as follows, to-wit:

That portion of said road lying upon tract one and that portion of said road lying upon the lands designated "now or formerly Frank Chapman" as described in said heretofore described Plat of Survey.

This easement is superior and paramount to the rights of any of the parties hereto in the respective servient estates so created, and that it is a covenant running with the land.

WITNESS our hands and seals this 14th day of October, 1977.

Ann Nichols  
Ann Nichols, Attorney in Fact  
for Paige Pinnell, Jr.

Joseph William Schepps  
Joseph William Schepps

Arthur L. Thomas  
Arthur L. Thomas

Alton Walpole  
Alton Walpole

Frank Chapman  
Frank Chapman

Frank Chapman  
Frank Chapman, Attorney in Fact  
for Robert K. Potter, Jr.

STATE OF NEW MEXICO )  
                                  ) : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Nichols, Attorney in Fact for Paige Pinnell, Jr.

Juliet R. Livingston  
Notary Public

My Commission Expires:  
6/21/80

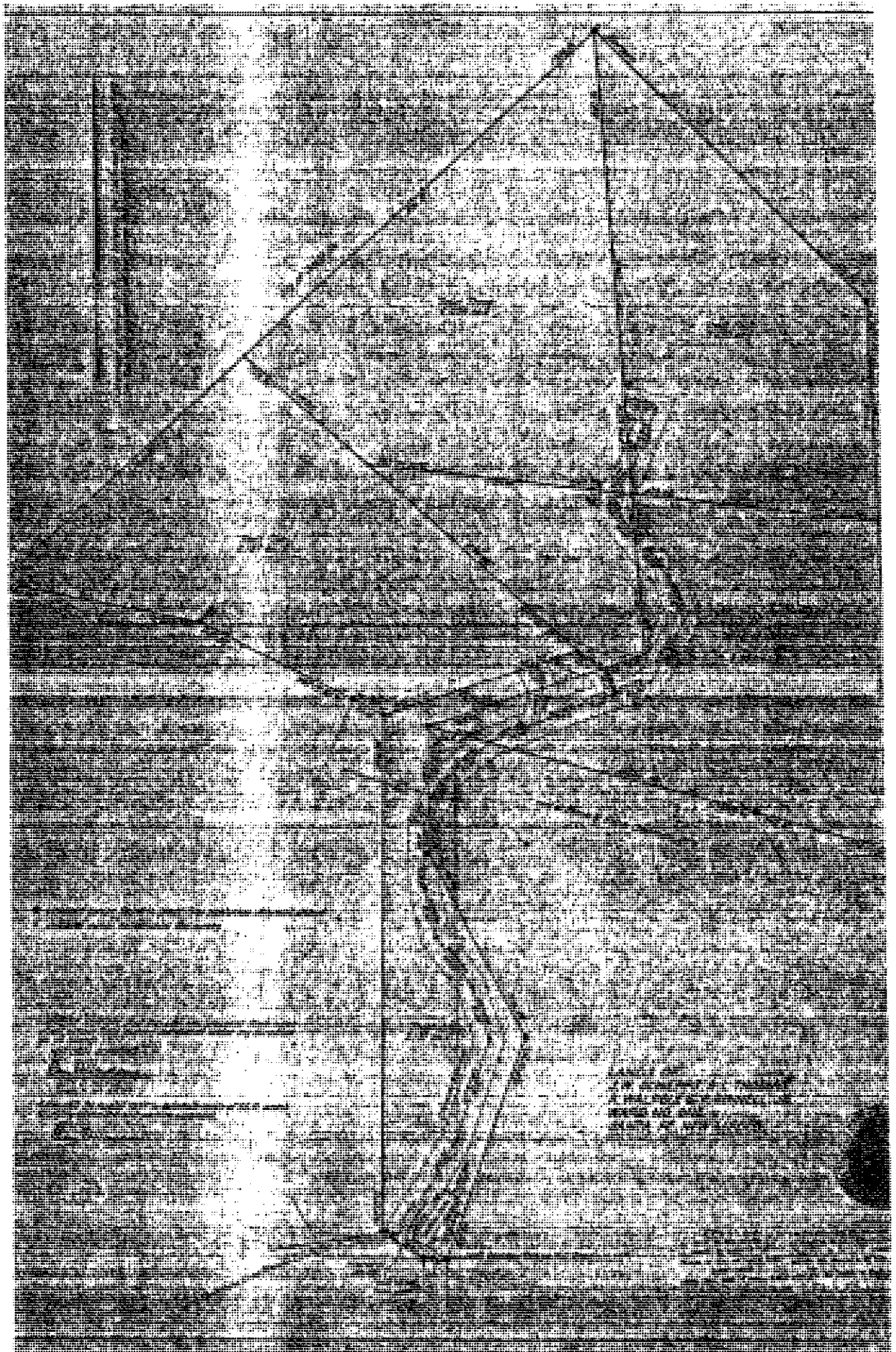
STATE OF NEW MEXICO )  
                                  ) : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Juliet R. Livingston  
Notary Public

My Commission Expires:  
6/21/80

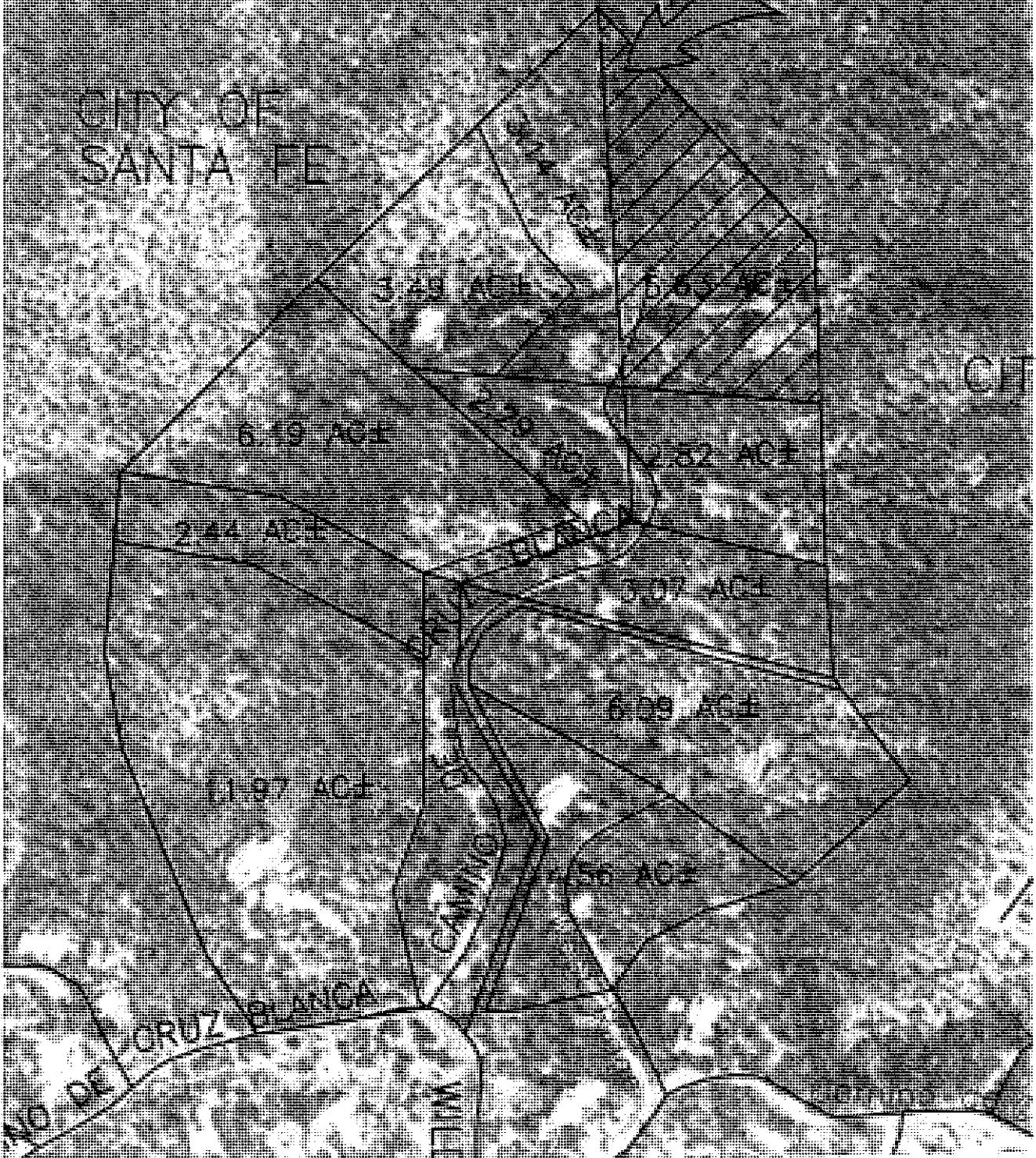




# SITE

CITY OF  
SANTA FE

CIT



CLASSIFIED BY DATE	ALTON WILPOLE	NOV 19 1957
210 WINDY STREET, SUITE 410, SANTA FE, NM 87501	IDENTITY MAP	
CLASSIFIED BY DATE		

Exhibit A-2

**Variance requested: Maximum of 8 lots on 10 road**

**Section 14-9.2-1**

**(C) Approval Criteria**

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

*Camino Cruz Blanca has existed since 1970's. It is a narrow road due principally to the rocky nature of the area and the desire to disturb no more than was necessary to protect the natural vegetation of the area. The city has recognized these lots as legal lots of record by the authorization of building permits. The developed road width varies from 13-15 feet. There were few standards at the time that the lots were created and the private road was constructed. Section 14-9.2-1 of the City Code does allow up to eight homes on a roadway of this width. Discussions with the Fire Marshal have indicated that a ninth home served by this road would be acceptable. The final decision on this matter awaits the Fire Marshal review. Under the International Fire Code the Fire Marshal has the discretion to allow homes on a roadway of less than 20 feet.*

(b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

(d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing or significant property* pursuant to Section 14-5.2 (Historic Districts).

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

*The road cross section for a 9 lots would be a 42 foot easement or right-of-way with two travel lanes of 9 feet, curb and gutter on each side of two feet, a 5 foot planter strip and a 5 foot sidewalk. The Planning Commission is granted the discretion by the City Code to allow for other types of road based the local circumstance. "The arrangement of streets in a development shall: (b) "conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to*

*existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area.*

(3) The *intensity of development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

*Other properties in the area are already smaller in size than what is proposed by Mr. Walpole.*

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

*The property can remain in its current state but there is a certain injustice created by the fact that other subdivisions have taken place where lots are smaller than proposed by Mr. Walton.*

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.

*The Planning Commission is granted the authority by Code to allow for roads that are more representative of the development pattern in the existing neighborhood. This is certainly the case where this private road has existed since the 1970's. The general plan does state that the character of the surrounding neighborhood should be recognized when considering new development.*

(5) The variance is not contrary to the public interest.

*At the ENN the neighbors and residents of the larger subdivision were universally in support of the lot split. There is no adverse impact on the large interpretation of public interest.*

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

SPECIAL WARRANTY DEED

Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a single man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, for consideration paid grants to Alton Walpole, as his sole and separate property, whose address is Santa Fe, New Mexico, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract Four, containing 5.620 acres +, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717;

TOGETHER with an easement for ingress and egress for any purpose and an easement for utility purposes in and upon that certain road and parking easement as more particularly described and shown on the aforesaid Plat of Survey, AND grantors and grantees covenant that the grantees shall be obligated to pay one-fifth of all expenses which may be required to maintain the road described on the Plat of Survey in a passable condition for the purposes of the heretofore described easements with said covenant to run with the land; and

SUBJECT TO that certain Mortgage recorded March 18, 1976 in Book 247, page 902 of the records of Santa Fe County and any other easements, restrictions or covenants of record.

with special warranty covenants.

WITNESS our hands and seals this 14th day of October,

1977.

*Ann Randolph Nichols*

Ann Randolph Nichols, Attorney  
in Fact for Paige Pinnell, Jr.

*Joseph William Schepps*

Joseph William Schepps

354120


Arthur L. Thomas  
Arthur L. Thomas

Alton Walpole  
Alton Walpole

STATE OF NEW MEXICO )  
                                  : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr.

Juliet R. Simpson  
Notary Public




My Commission Expires:

6/21/80

STATE OF NEW MEXICO )  
                                  : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Juliet R. Simpson  
Notary Public



My Commission Expires:

6/21/80


CR. OF SANTA FE )  
COUNTY OF NEW MEXICO ) 407,251  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
ON THE 17 DAY OF SEP. A.D.,  
1977 AT 11:00 O'CLOCK A.M.  
IN MY BOOK \_\_\_\_\_  
\_\_\_\_\_  
CLERK OF SANTA FE COUNTY  
COUNTY CLERK'S OFFICE  
SANTA FE COUNTY, N.M.  
Heleen Paula  
Deputy

854127

STATE OF NEW MEXICO )  
 : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Juliet R. Lemmon  
Notary Public




My Commission Expires:

6/21/80

STATE OF NEW MEXICO )  
 : ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Juliet R. Lemmon  
Notary Public



My Commission Expires:

6/21/80

WARRANTY DEED

ANN RANDOLPH NICHOLS, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception No. 409,716 for PAIGE PINNELL, JR., a single man dealing with his separate property; JOSEPH WILLIAM SCHEPPS, a single man; ARTHUR L. THOMAS, a single man; and ALTON WALPOLE, a single man, for consideration paid, grant to PAMELA J. MESSER, a single woman and PATRICK N. CAFFEE, a single man as tenants in common, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract One, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, no. plat #408,717.

SUBJECT TO: Reservations, restrictions and easements of record and taxes for 1977 and subsequent years.

with warranty covenants.

~~WITNESS OUR HANDS and seals this 1st day of November, 1977.~~

PAIGE PINNELL, JR.

*Ann Randolph Nichols*  
By: Ann Randolph Nichols,  
Attorney in Fact

*Arthur L. Thomas*  
ARTHUR L. THOMAS

*Joseph William Schepps*  
JOSEPH WILLIAM SCHEPPS

*Alton Walpole*  
ALTON WALPOLE

STATE OF NEW MEXICO )  
                          ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 1st day of November, 1977 by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr., Joseph William Schepps, Arthur L. Thomas and Alton Walpole.

\_\_\_\_\_  
Notary Public

My Commission Expires:

MUTUAL EASEMENT

IT IS AGREED BY AND BETWEEN Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a married man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, AND Frank Chapman dealing in his sole and separate property; and Frank Chapman, as Attorney in Fact for Robert K. Potter, Jr., pursuant to that Power of Attorney recorded in the County of Santa Fe, New Mexico;

WITNESS, the parties hereto, for mutual consideration, hereby grant onto each other, a perpetual easement upon the following described lands, for ingress and egress for any purpose and an easement for utility purposes in and upon that portion of a road described on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J.W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO, filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717 as more particularly described as follows, to-wit:

That portion of said road lying upon tract one and that portion of said road lying upon the lands designated "now or formerly Frank Chapman" as described in said heretofore described Plat of Survey.

This easement is superior and paramount to the rights of any of the parties hereto in the respective servient estates so created, and that it is a covenant running with the land.

WITNESS our hands and seals this 14th day of October, 1977.

Ann Nichols  
Ann Nichols, Attorney in Fact  
for Paige Pinnell, Jr.

Joseph William Schepps  
Joseph William Schepps

Arthur L. Thomas  
Arthur L. Thomas

Alton Walpole  
Alton Walpole

Frank Chapman  
Frank Chapman

Frank Chapman  
Frank Chapman, Attorney in Fact  
for Robert K. Potter, Jr.

STATE OF NEW MEXICO )  
                                  ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Nichols, Attorney in Fact for Paige Pinnell, Jr.

Juliet R. Sangster  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
                                  ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Juliet R. Sangster  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
                          ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th  
day of October, 1977, by Arthur L. Thomas.

Robert K. Langston  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
                          ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 14th  
day of October, 1977, by Alton Walpole.

Robert K. Langston  
Notary Public

My Commission Expires:  
6/21/80

STATE OF NEW MEXICO )  
                          ) ss.  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 5th  
day of October, 1977, by Frank Chapman.

Robert K. Smith  
Notary Public

My Commission Expires:  
April 18, 1979

STATE OF NEW MEXICO )  
                          ) ss.  
COUNTY OF SANTA FE )

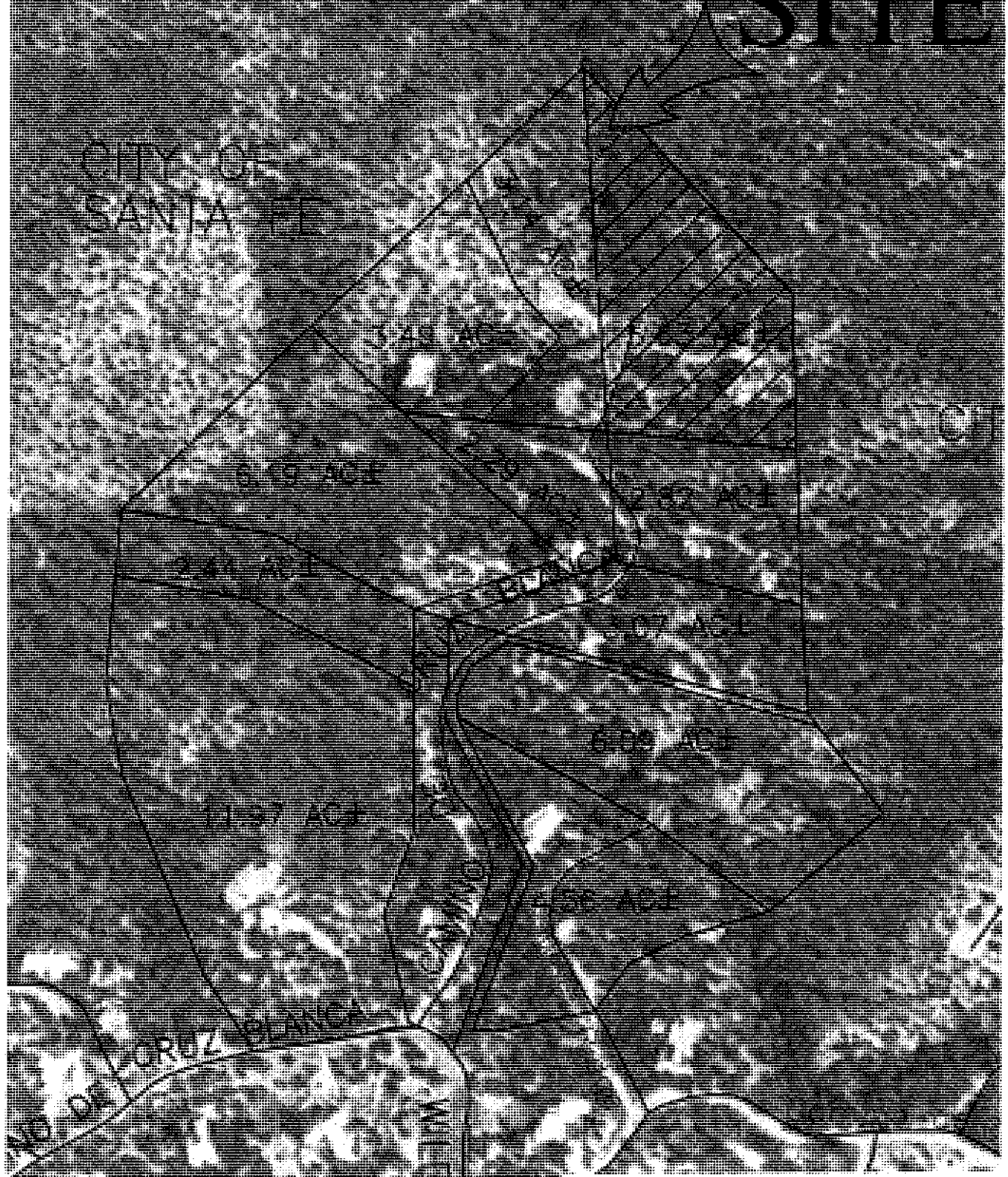
The foregoing instrument was acknowledged before me this 5th  
day of October, 1977, by Frank Chapman, Attorney in Fact  
for Robert K. Potter, Jr.

Robert K. Smith  
Notary Public

My Commission Expires:  
April 18, 1979

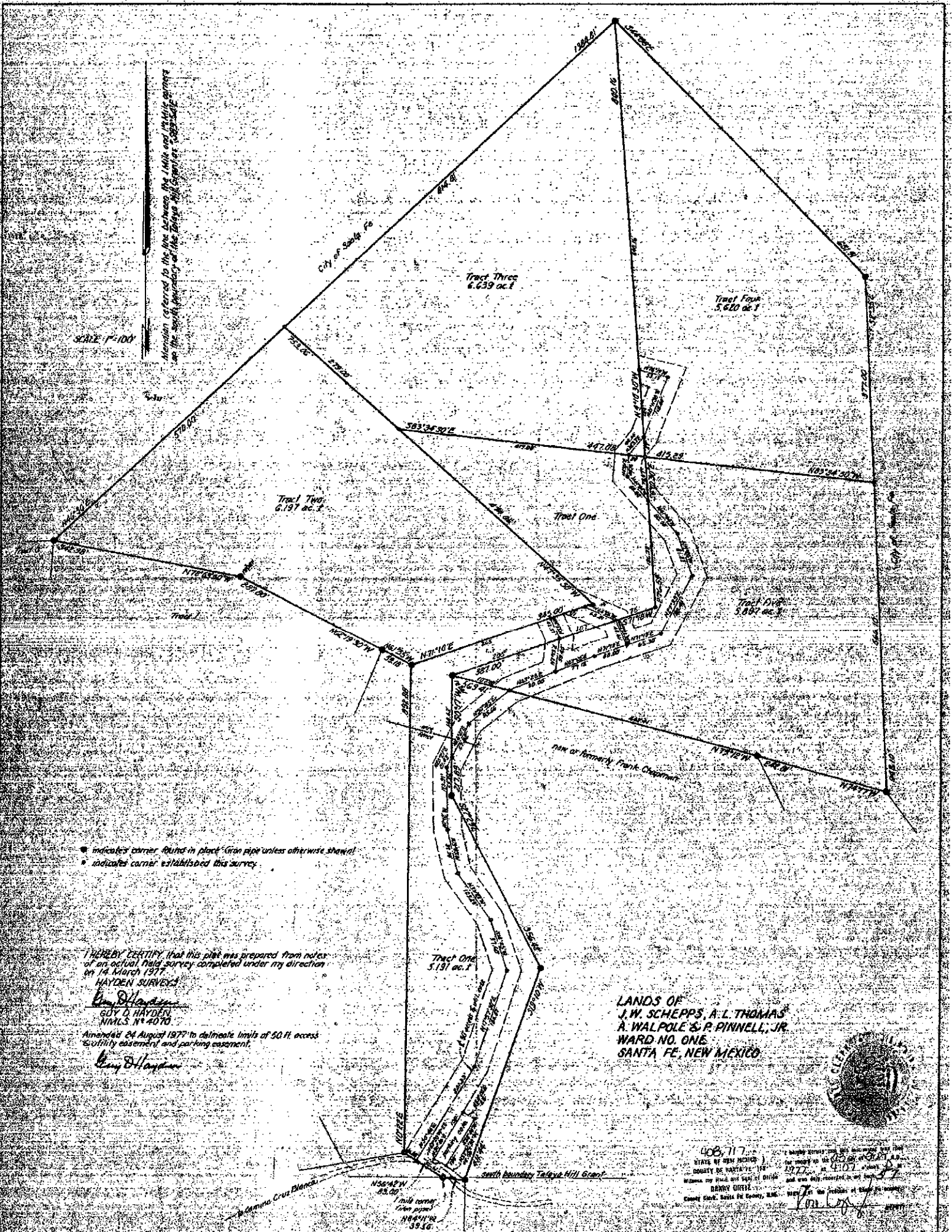
# SITE

CITY OF  
SANTA FE



<b>JAMES H. SEBERT</b> OWNER	<b>ALTON HOLFORD</b> AGENT	<b>10/10/10</b>
<b>1111 10TH ST. SW. SANTA FE, NM 87505</b>	<b>SECURITY MAP</b>	<b>1</b>
<b>(505) 443-6549</b>	<b>YAK (505) 999-7973</b>	

Exhibit A-7



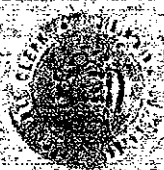
Meridian referred to the line between the White and Patten corners  
 on the south boundary of the Talaya Hill Grant, 1885-1886.

SCALE 1"=100'

- indicates corner found in place. Iron pipe unless otherwise shown.
- indicates corner established this survey.

I HEREBY CERTIFY that this plat was prepared from notes  
 of an actual field survey completed under my direction  
 on 14 March 1977.  
**HAYDEN SURVEYS**  
*Gay D. Hayden*  
 GUY D. HAYDEN  
 NMLS #14070  
 Amended 24 August 1977 to delineate limits of 50 ft. access  
 utility easement and parking easement.  
*Gay D. Hayden*

**LANDS OF**  
**J. W. SCHEPPS, A. L. THOMAS**  
**A. WALPOLE & P. PINNELL, JR.**  
**WARD NO. ONE**  
**SANTA FE, NEW MEXICO**



408, 117  
 STATE OF NEW MEXICO  
 COUNTY OF SANTA FE  
 1977, at 4:01 o'clock  
 and was duly received, read and  
 signed by me in presence of  
 HARRY GIBBS, County Clerk  
 County Clerk, Santa Fe County, N.M.  
*[Signature]*

**Variance from Road Design Standards** (allowing 1 additional unit on a 14 to 15-foot private road.

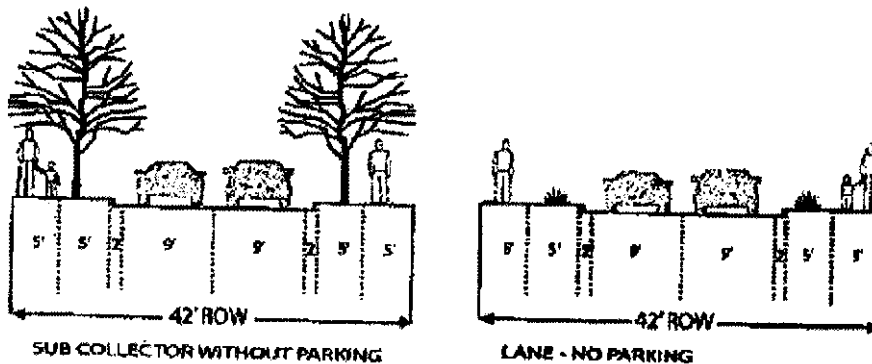
**Approval Criteria**

Subsections 14-3.16(C)(1) through (5) and, if applicable, to grant a variance.

- (1) One or more of the following special circumstances applies:
  - (a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

*The road has existed since late 1970 and has been improved on an annual basis, is in excellent condition. The road is maintained by a road sharing agreement. All lot owners using the road participate in cost for repairs and improvements.*

- (2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.



*The width of a road consistent with City standards for 9 lots would require the above cross section for a 42-foot road which is not feasible nor is it consistent with low density, rural nature of the area.*

- (3) The *intensity* of development shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

CASE# 2020-2592 11/23 Camino De Cruz Blanca

Other lots served by Camino Cruz Blanca are similar in size to the resulting lots if the variance were approved. While the lot size is less than required by the Difficult and Mountainous regulation, it is consistent with 2.5 acre minimum standard of the City Code.

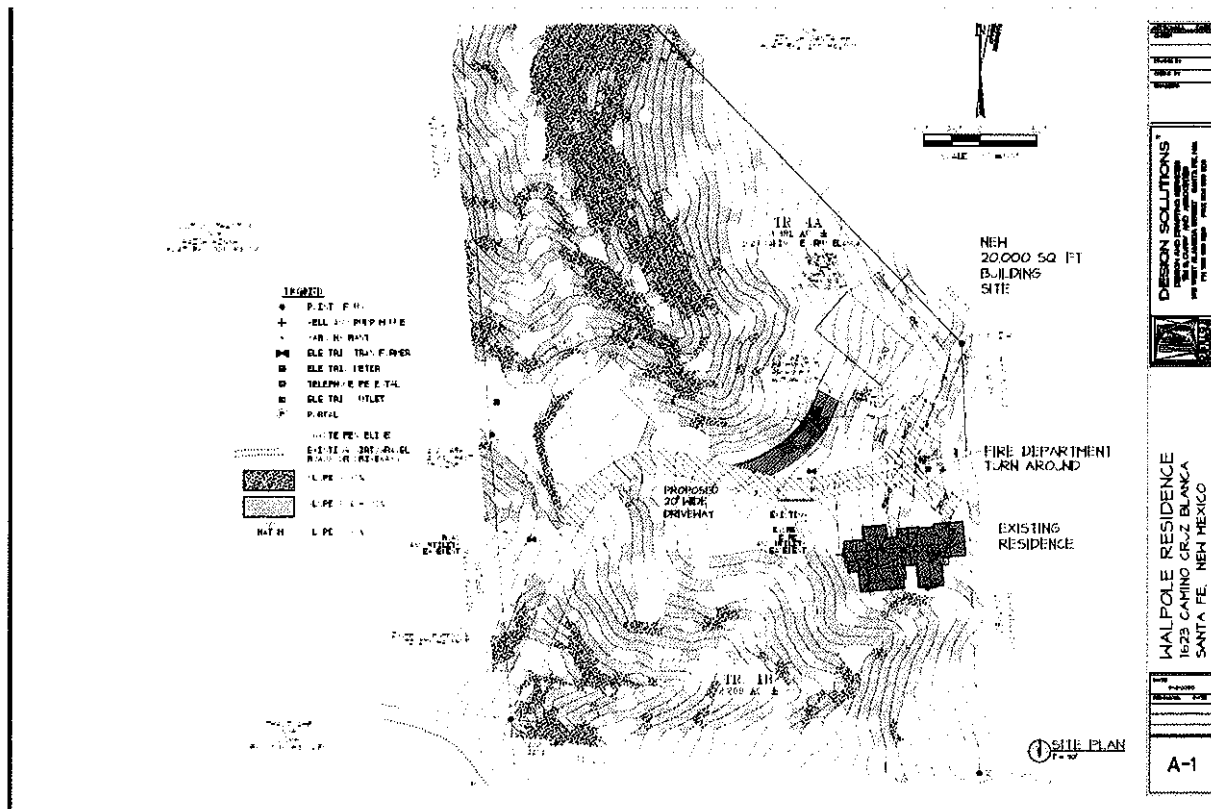
(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

A variance is required to create an additional lot. Assuming the variance from the Difficult and Mountainous Terrain regulation is approved, the lots would not be inconsistent with from the other lots served by the private road.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

The Road is currently in excellent shape. There are turnouts at regular intervals to allow for vehicles to pull over and let fire trucks pass. There is a road sharing agreement for road maintenance and all lot owners participate in the agreement. The new driveway to the proposed building site can satisfy all requirements of the City Codes.



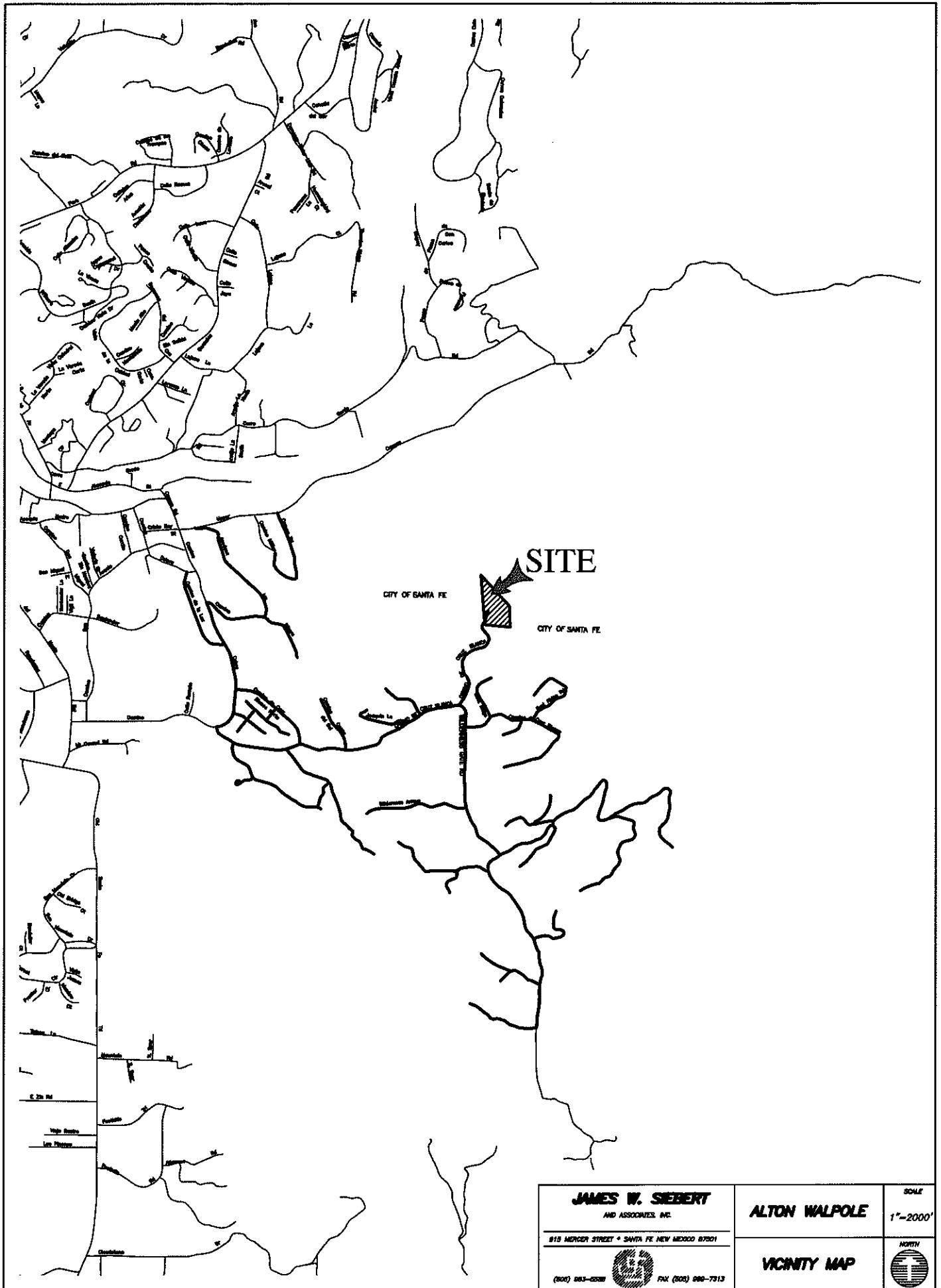
(5) The variance is not contrary to the public interest.

*The Subdivision residents are in agreement with the lot split and minimal impact to traffic on the existing private road.*

Prepared by-  
James W. Siebert  
22<sup>nd</sup> September 2020

**Variance from minimum lot size for lots  
in Difficult and Mountainous Terrain  
Section 14-9.2.8(e)**

CASE# 2020-002499  
2020-002592




**SITE**

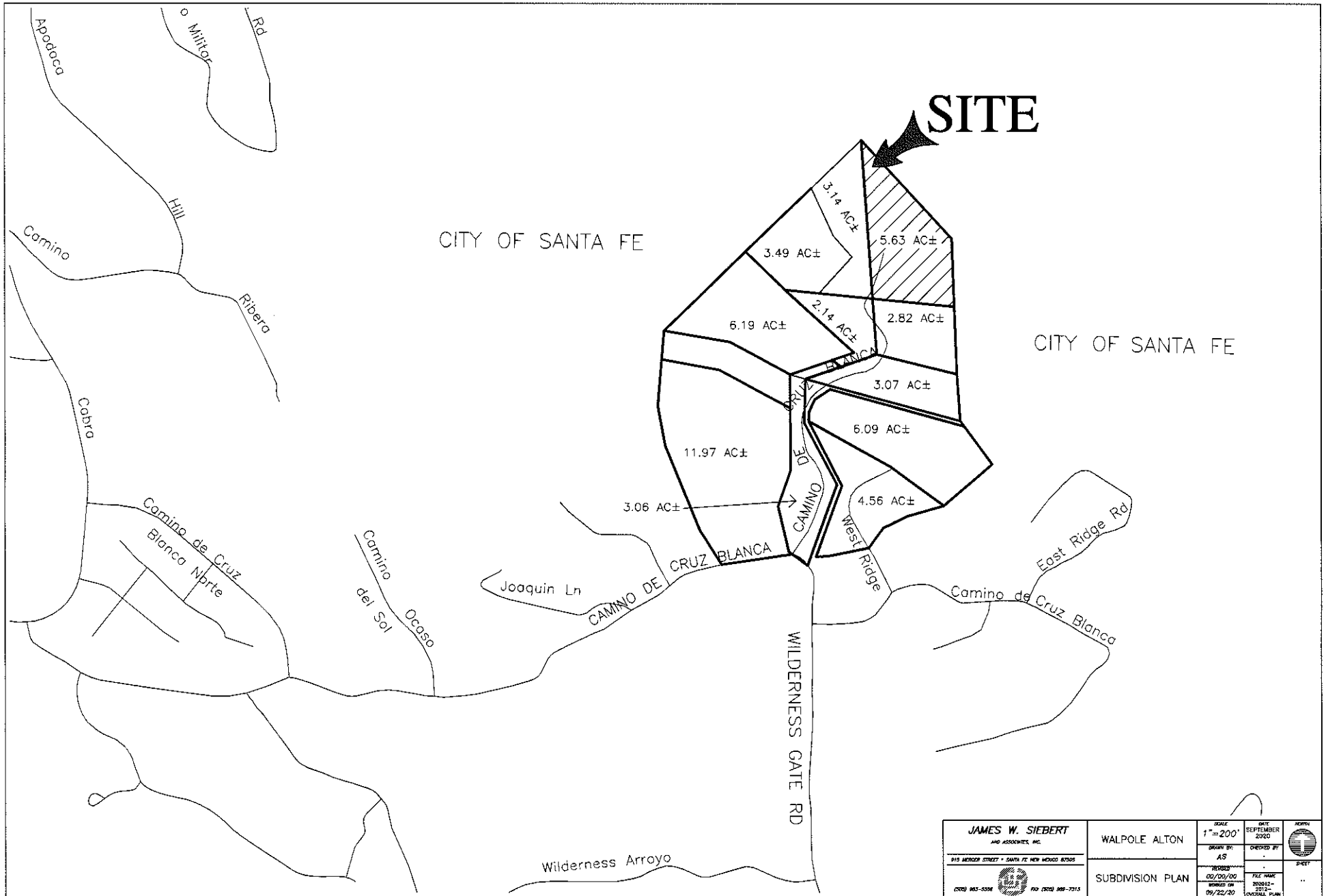
CITY OF SANTA FE



CITY OF SANTA FE

**JAMES W. SIEBERT**  
 AND ASSOCIATES, INC.  
 818 MERCER STREET • SANTA FE, NEW MEXICO 87501  
 (505) 983-0288 FAX (505) 980-7313

**ALTON WALPOLE**  
**VICINITY MAP**

SCALE  
 1"=2000'  
 NORTH  




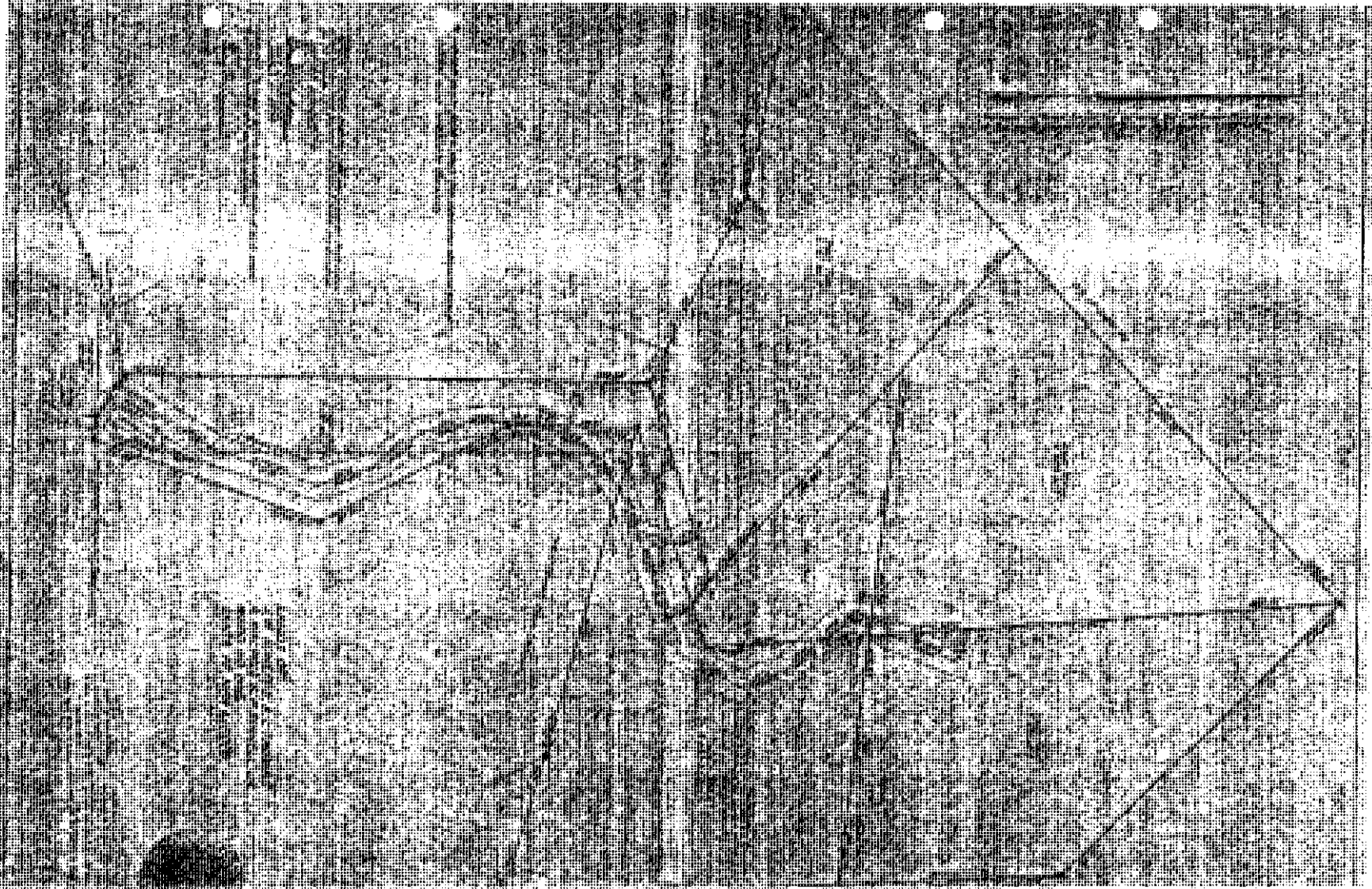
<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. <small>915 MERCER STREET • SANTA FE NEW MEXICO 87505</small>  <small>505 965-5336 FAX 505 969-7311</small>	SCALE <b>1"=200'</b>	DATE <b>SEPTEMBER 2020</b>	NORTH 
	DRAWN BY: <b>AS</b>	CHECKED BY: -	SHEET -
SUBDIVISION PLAN	REVISIONS <b>02/09/20</b> <small>WORKED ON</small>	FILE NAME <b>202012-2020-09/22/20</b> <small>OVERALL PLAN</small>	SHEET ..

## **APPROVAL CRITERIA**

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;



Difficult and mountainous terrain regulations adopted in 1987

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

## **Comparative analysis R-1 without city water or sewer to R-1 with city water & sewer**

10 acre lot in difficult and mountainous terrain with R-1 Zoning.

R-1 allows one dwelling/acre with water & sewer, or either water or sewer.

$10 \times 1 = 10$  dwellings on tract

$10 \times 0.75$  for Difficult & Mountainous Terrain = 7.5 ~ 7 (rounded down)

10 acre lot in Difficult & Mountainous Terrain with no city sewer or city water

$10 / 2.5 = 4$  Dwellings  $\times .75 = 3$

7 DU/Acre vs 3 DU/Acre

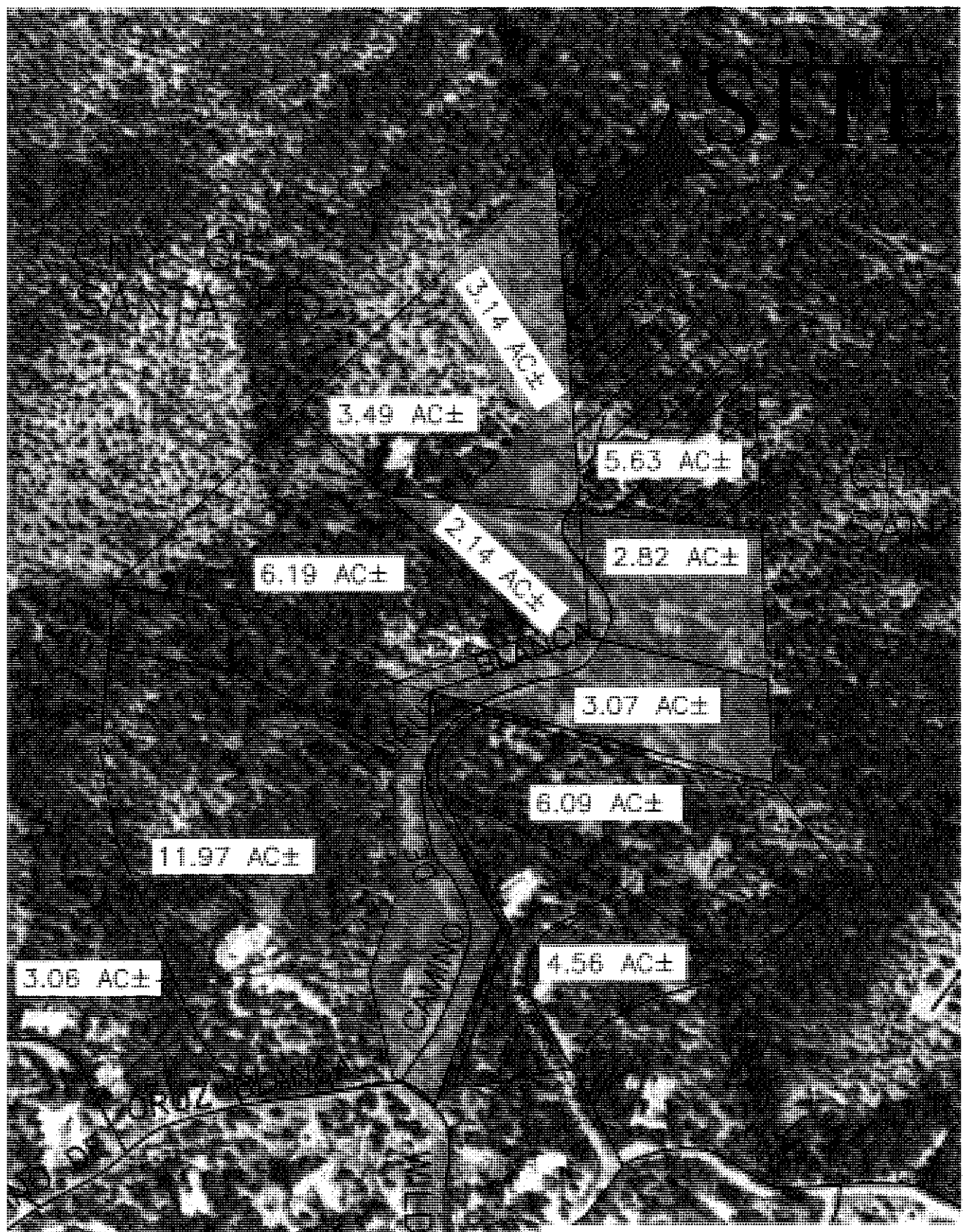
R-1 requires 1.375 acre lot to satisfy DMT,  $1.375 \times 0.75 = 1.00 \pm$

R-1 without city water or sewer,  $3.33 \times 7.5 = 2.5 \pm$

*Since 1987 other city regulations have been adopted to protect hillside development such as limitation of heights of cut & fill slopes, height of retaining walls, percent of slopes, stormwater drainage management.*

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

# SUBDIVISION



3.14 AC±

3.49 AC±

5.63 AC±

2.14 AC±

6.19 AC±

2.82 AC±

3.07 AC±

6.09 AC±

11.97 AC±

3.06 AC±

4.56 AC±

**JAMES H. SHERIFF**

AND ASSOCIATES, INC.

1000 BROADWAY, SUITE 1000, NEW YORK, NY 10018



(914) 445-3300

FAX (203) 388-7512

**ALTON MALPOLE**

17-210

**IGNITY MAP**



(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

*Based on surrounding lots, the requested lot split is generally of the same or lesser intensity of development.*

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

*In order to achieve a similar intensity of use to what exists in the area in the vicinity of Mr. Walpole, a variance is required to accomplish a lot split.*

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

*The lot split is consistent with the minimum lot size for R-1 Zoning without city water or city sewer. It satisfies the intent of the city code by maintaining lot sizes consistent with adjoining and nearby lots.*

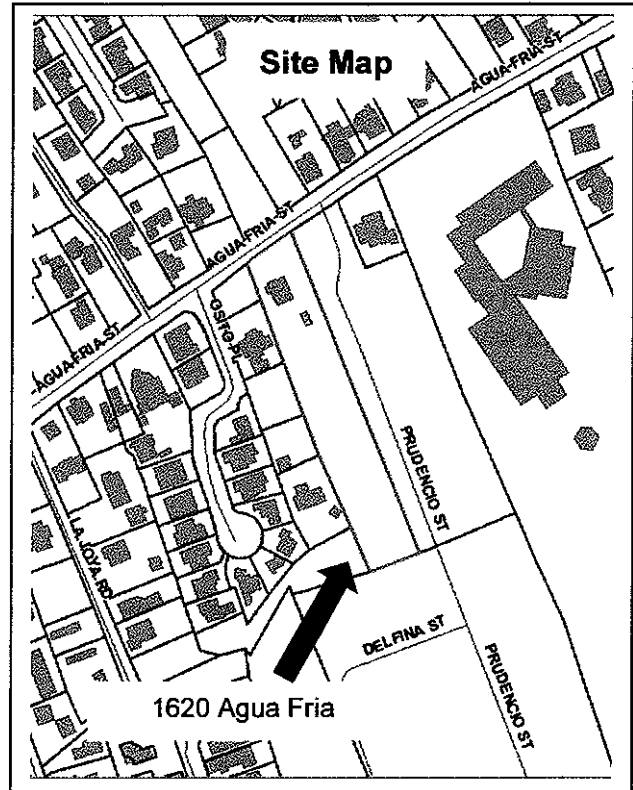
(5) The variance is not contrary to the public interest

*The public interest is best served by the other lot owners in the area who are in agreement with the variance allowing for the lot split.*



# Land Use Department Planning Commission Staff Report

**Case No:** 2020-2500  
**Hearing Date:** October 1, 2020  
**Applicant:** Liaison Planning Services, Inc.  
**Request:** Preliminary Subdivision  
**Location:** 1620 Agua Fria Street  
**Case Mgr.:** Lee Logston  
**Zoning:** R-5 (Residential- five dwelling units per acre)  
**Overlay:** None  
**Pre-app Mtg:** April 25, 2019  
**ENN Mtg:** June 3, 2020  
**Proposal:** Preliminary Subdivision approval for 7 residential lots on 1.47 acres.



**Case #2020-2500. 1620 Agua Fria Street Romero Preliminary Subdivision.** Liaison Planning Services, Inc., Agent, for Carlos and John Romero, Owners, requests approval of a preliminary subdivision plat for 7 single-family residential lots located at 1620 Agua Fria Street. The property is zoned R-5 (Residential- five dwelling units per acre) and is approximately 1.47 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

## I. RECOMMENDATION:

The Planning Commission should **APPROVE** the preliminary subdivision plat, with the conditions of approval and technical corrections listed in this report.

*Two motions will be required in this case:*

- *Approve or deny the Preliminary Subdivision for Case #2020-2500, subject to the conditions of approval and technical corrections recommended by staff.*
- *Approve or deny the Findings of Fact and Conclusions of Law for Case #2020-2500 (Exhibit A(2))*

## II. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval for Case #2020-2500:

#	Condition of Approval	Dept. or Division	To be completed by:
1	Draft Homeowners Association Covenants for City Land Use and Legal review.	Land Use/Current Planning	Prior to Final Subdivision Approval
2	Lot 1 Shall access Prudencio Street. The developer shall close Lot 1's existing access to Agua Fria. The developer shall place a note on the plat stating that Lot 1 shall only receive access to Prudencio Street.	Engineering Division/Traffic	Prior to Final Subdivision Approval
3	The Developer shall place a right-turn deceleration lane off of Agua Fria Street into Prudencio Street. The developer shall dedicate the needed right-of-way to accommodate this deceleration lane. The design of the deceleration lane shall be reviewed and approved by the Public Works Department.	Engineering Division/Traffic	Prior to Final Subdivision Approval
4	An approved Water Plan from the Water Division will be required. Water Plan comments will be submitted to the design engineer.	Public Utilities/Water Division	Prior to Final Subdivision Approval
5	Design Work shall comply with ICC ANSI A117.1-2009, Chapters 1-5 and Chapter 7 as required, and applicable Federal and State codes and statutes. (See Requirements & Conditions below for additional information).	Building Division/ADA Site	Prior to Final Subdivision Approval

Following standard practice, redline comments will be provided to the surveyor who shall make any necessary changes to comply with technical corrections, and submit the corrected plat in Mylar. The "technical corrections" that must be made to the plat prior to recordation are listed in Exhibit A(1).

## III. EXECUTIVE SUMMARY:

The proposed preliminary subdivision is for seven residential lots at 1620 Agua Fria Street. The parcel is 1.47 acres and is zoned R-5 (Residential- five dwelling units per acre). A home exists on the northern portion of the property. This home will access Agua Fria directly, but the other six lots will access Prudencio Street, a new 50-foot public right-of-way (ROW), that was approved and will be built as Phase 1 of the Dos Acequias Subdivision. The subdivision will create six new building lots, an open space/drainage lot, and a smaller lot for the existing home. The southern portion of the property has a drainage easement for that subdivision.

The proposed preliminary subdivision meets all development standards and approval criteria and does not create or increase any non-conformities with Chapter 14; therefore, staff recommends approval.

**IV. EXISTING CONDITIONS:**

**Land Use**

Surrounding development consists mostly of single-family homes. Surrounding zoning is primarily R-5 (Residential- five dwelling units per acre) with some pockets of R-12 (Residential- twelve dwelling units per acre).

Direction	Property Address	Zoning
North	Agua Fria Street, the Barrio La Canada neighborhood	R-5 (Residential- five dwelling units per acre)
East	Osito Place	R-5 (Residential- five dwelling units per acre)
South	Future Dos Acequias Subdivision	R-5 (Residential- five dwelling units per acre)
West	Future Dos Acequias Subdivision	R-5 (Residential- five dwelling units per acre)

**V. PROJECT ANALYSIS:**

**Access**

All lots in the proposed subdivision will access Agua Fria Street via an approved but as yet unbuilt public street, Prudencio Street, the main access road for the Dos Acequias Subdivision. Prudencio Street will be a 50-foot public right-of-way (ROW), with one lane Entering Dos Acequias and left and right turn and lanes exiting to Agua Fria. Each of the proposed new lots will have direct driveway access, while the existing home at the north end of the property will be required to close its Agua Fria access and route a new driveway to Prudencio.

As part of the Dos Acequias approval a portion of ROW was required to be dedicated at 1612 Agua Fria for a potential eastbound left turn lane into the Dos Acequias Subdivision. The Applicant will be required to dedicate necessary ROW to allow for the construction of this deceleration lane. The design of this deceleration lane shall be reviewed and approved by the Public Works Department. This deceleration lane will be able to accommodate several cars, and will improve eastbound traffic movement as eastbound vehicles turn right onto Prudencio Street.

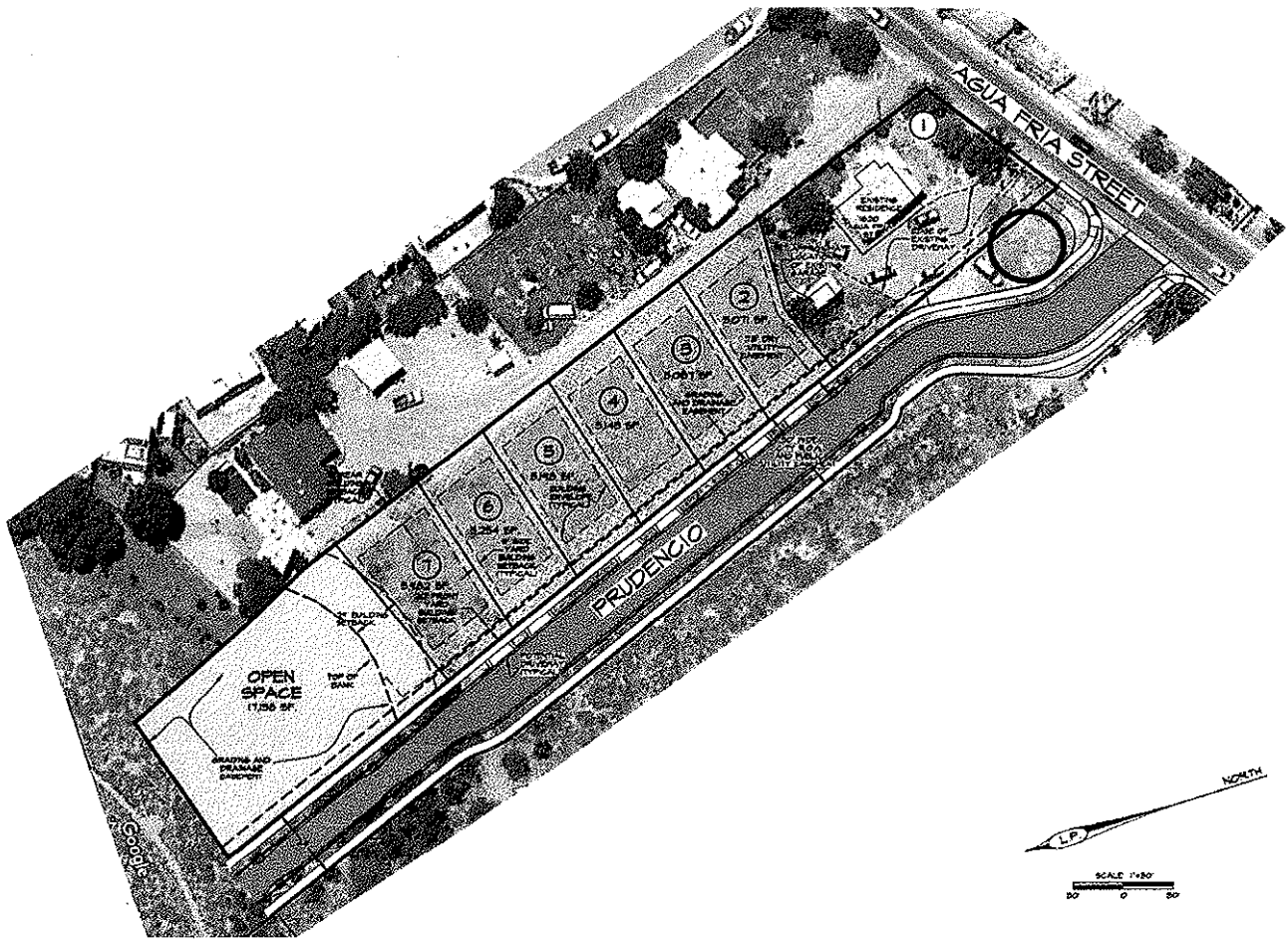
**Subdivision Analysis**

The six new residential lots have an average size of 5,289 square feet. A 17,158 square foot open space area will remain at the southern end of the project, and the existing home will remain on a newly created 15,415 square foot lot that will also access Prudencio Street.

**Grading and Drainage**

Individual lots will require on-lot ponding to mitigate runoff from each lot. Additionally, this development will include rain gardens in the landscape buffers in front of each house. This series of micro drainage

projects will reduce water usage, promote infiltration, and reduce runoff. Under an agreement with the developer of Dos Acequias, any Romero Subdivision drainage not captured on individual lots will go north to the small pond at the northwest corner of the Dos Acequias property (indicated by red circle in image below).



The Acequia en Medio runs across the southern portion of the property. A grading and drainage easement was established there for the use of the Dos Acequias Subdivision, to handle storm water runoff. Overall, drainage facilities have been designed so that there will be a reduction of almost 2 CFS (Cubic Feet per Second) for the 100-year storm exiting their site near the same location. Both of these projects combined will result in an overall reduction in runoff exiting the combined sites.

The construction of grading and drainage facilities for the Romero Subdivision will depend on timing with the construction of Dos Acequias. It is assumed that the adjacent Dos Acequias Phase 1 construction will be underway or possibly complete prior to the Romero Subdivision construction. In the event that the Romero Subdivision is built first, vegetated swales and a temporary detention pond are proposed to handle runoff.

### **Fire, Water, Sewer, and Dry Utilities**

City water, sewer and all private utilities are available at the site. Sewer will connect to the proposed line in Prudencio Street. Fire hydrants will be installed as part of the Dos Acequias Subdivision.

### Impact on Schools

The Applicant notified the Santa Fe Public Schools, per Ordinance 2008-32, of the proposed development. At the time of this staff report, no response had been received.

### Santa Fe Homes Program

All subdivisions, other than family transfers and lot splits, trigger the Santa Fe Homes Program (SFHP) requirements for affordable units, but because the subdivision is comprised of fewer than ten lots, the Applicant is not required to build an affordable unit, and will pay a fee instead. The SFHP Agreement will be finalized at the time of subdivision approval and payment collected when final subdivision documents are recorded. In the event that the property is sold before lot sales commence, the obligation transfers with the title. The SFHP proposal is included in Exhibit E1.

### Homeowners Association and Private Covenants

Homeowners Association Covenants will be drafted and reviewed by the City. The covenants will create landscape requirements, address drainage pond maintenance, and address general subdivision issues such as trash, noise, and parking. These covenants must be approved before final subdivision approval.

### Environmental Review: Archaeology and Prairie Dogs

The project lies within the River and Trails Archaeological Review District. As the property is under two acres in size, an archaeological clearance permit will not be required per SFCC Subsection 14-3.13(B)(2)(a). The Site will be assessed for prairie dogs and any colonies will be relocated per SFCC Section 14-8.12 prior to issuance of construction permits.

## VI. PRELIMINARY SUBDIVISION PLAT

SFCC Section 14-3.7 governs the authority, procedures and restrictions for the division of land. SFCC Subsection 14-3.7(B)(3)(d) states that "The Planning Commission shall review the preliminary plat and other materials submitted for conformity to this article, consider the Land Use Director report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the subdivider."

The criteria for approval of a Preliminary Subdivision are detailed below:

<b>Criterion 1: In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.</b>	<b>Criterion Met: (Yes/No) YES</b>
Archaeological clearance was not required for this proposal. There is minimal vegetation on the site, and there are no water courses or historical sites. The primary natural feature on the site is the acequia, which has been incorporated into storm water retention for this project and the adjacent Dos Acequias subdivision.	
<b>Criterion 2: The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed.</b>	<b>Criterion Met: (Yes/No) YES</b>

<p>Land subject to <i>flooding</i> and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be <i>platted</i> for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate <i>erosion</i> or <i>flood</i> hazard. Such land shall be set aside within the <i>plat</i> for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).</p>	
<p>There are no water courses or FEMA designated flood plains on or near this property. The land is suitable for residential development of similar density to surrounding neighborhoods.</p>	
<p><b>Criterion 3: All <i>plats</i> shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).</b></p>	<p><b>Criterion Met:</b> (Yes/No) <b>YES</b></p>
<p>The Development Review Team (DRT) has reviewed the Applicant's proposed subdivision design. The DRT includes the following City Divisions: Traffic, Terrain Management, Water, Sewer, Fire and Land Use. Review comments and conditions from the DRT provide necessary changes to the proposal to conform to the City Code in order to meet standards for public health, safety or welfare. The engineering design for terrain management, roads and utilities complies with all requirements of Chapter 14.</p>	
<p><b>Criterion 4: A <i>plat</i> shall not be approved that creates nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the <i>plat</i>.</b></p>	<p><b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b></p>
<p>No existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The Applicant is not requesting any variances with this proposal.</p>	
<p><b>Criterion 5: A <i>plat</i> shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the <i>plat</i>.</b></p>	<p><b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b></p>
<p>No existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The Applicant is not requesting any exceptions with this proposal.</p>	

## VII. EARLY NEIGHBORHOOD NOTIFICATION

An ENN was held on June 3, 2020. Approximately twelve members of the public attended the Zoom meeting. Most concerns had to do with traffic. Area residents feel strongly that the City should perform a traffic study to try to project future conditions on Agua Fria. Residents requested that an eastbound, right turn deceleration lane into the Dos Acequias subdivision should be built. The City Traffic Engineer has made this a condition of approval of the subdivision.

## VIII. EXPIRATION

According to SFCC Subsection 14-3.19(B)(2) "Approval of a preliminary subdivision plat ... shall expire

three years after final action approving it unless the final plat ... is approved." Should the Commission approve the preliminary subdivision plat and adopt the recommended Findings of Fact at this hearing, the expiration date would be October 1, 2023.

**IX. ATTACHMENTS:**

**EXHIBIT A:**

1. Technical Corrections
2. Draft Findings of Fact/Conclusions of Law Case #2020-2500

**EXHIBIT B: Development Review Team Memoranda**

1. Traffic Engineering Division, John Romero, P.E
2. Terrain Management, Dee Beingessner
3. Water Engineering Division, Brian Snyder
4. ADA Site Compliance, Jason Kluck
5. Fire Department, Geronimo Griego

**EXHIBIT C: Maps and Photos**

**EXHIBIT D: Early Neighborhood Notification**

**EXHIBIT E: Applicant Materials**

1. Application Submittals
2. Proposed Subdivision

**APPROVED BY:**

<b>Title</b>	<b>Name</b>	<b>Initials</b>
Planning and Land Use Director	Elias Isaacson, AICP	ESI
Land Use Planner Manager	Noah Berke, AICP, CFM	NLB
Land Use Department Case Manager	Lee Logston, AICP	LL

# **City of Santa Fe, New Mexico**

## **Exhibit A**

- 1. Technical Corrections**
- 2. Draft Findings of Fact & Conclusions of Law**

EXHIBIT A  
 Technical Corrections  
 Case #2020-2500  
 1620 Agua Fria Street Romero Preliminary Subdivision

TECHNICAL CORRECTIONS	Department	Staff
<ol style="list-style-type: none"> <li>1. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1).</li> <li>2. Shall meet the 150 feet driveway requirements as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided (Appendix D Table D103.4).</li> <li>3. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.</li> <li>4. Fire Department shall have 150 feet distance to any portion of the building on any new construction (IFC 2009 section 503.1.1).</li> <li>5. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.</li> <li>6. Shall have water supply that meets fire flow requirements as per IFC (Appendix B).</li> <li>7. Shall comply with Section D102.1 Access and Loading (75,000 lbs).</li> <li>8. Shall comply with IFC 2009 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.</li> <li>9. Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates.</li> <li>10. Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads.</li> <li>11. Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.</li> </ol>	Fire Department	Geronimo Griego
<ol style="list-style-type: none"> <li>1. Drainage Facilities Maintenance note shall be placed on the Plat.</li> <li>2. Dust Control Note Shall be placed on the Development Plan.</li> <li>3. Gunnison's Prairie dog note shall be placed on the Plat.</li> <li>4. This development shall comply with the most current requirements of the American with Disabilities Act (ADA) for all infrastructure improvements. Place a note on the Plat to reflect this condition.</li> <li>5. Include note on Plat for on-lot ponding requirement.</li> <li>6. Other comments will be provided on Plans at the time of the building permit and changes may be required during permitting process.</li> </ol>	Land Use/Terrain Management	Dee Beingessner
<ol style="list-style-type: none"> <li>1. Incorporate dimensions into construction plans for all features required for ADA accessibility. These may be on shown on an enlarged plan and as typical.</li> <li>2. Include Keyed note/tag/sheet reference for NMDOT curb ramp types and other applicable NMDOT design standards on construction plans.</li> </ol>	Building Division/ADA Site	Jason Kluck

EXHIBIT A  
Technical Corrections  
Case #2020-2500  
1620 Agua Fria Street Romero Preliminary Subdivision

- |   |  |  |
|---|--|--|
| <ol style="list-style-type: none"><li>3. Indicate slopes along the accessible path of travel, including driveway and intersection crossings.</li><li>4. Accessibility feature design within the Public Right-of-Way shall comply with NMDOT Pedestrian Access Route Details (Serial 608). Applicable On-Site accessible features shall also comply with NMDOT Serial 608 unless alternate feature design is provided for approval.</li><li>5. Provide Design Professional Seal and signature with date signed on all drawing sheets.</li><li>6. Submittal package is preliminary in nature. Further comments may be provided with subsequent submittals.</li><li>7. See additional notes on DRT form.</li></ol> |  |  |
|---|--|--|

**City of Santa Fe  
Planning Commission  
Findings of Fact and Conclusions of Law**

**Case #2020-2500**

**1620 Agua Fria Romero Preliminary Subdivision Plat**

**Owner's/Applicant's Name-** Geo Park, LLC

**Agent's Name-** John Reeder

THIS MATTER came before the Planning Commission (Commission) for hearing on October 1, 2020 (Hearing) upon the application (Application) of Liaison Planning Services, Inc., as agent for Carlos and John Romero (Applicants).

The Application pertains to a property located at 1620 Agua Fria Street totaling approximately 1.47 acres (Property). The Applicant requests approval of a preliminary subdivision plat for 7 residential lots (Project). The Property is zoned R-5 (Residential-five dwelling units per acre).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

**FINDINGS OF FACT**

General

1. At the Hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(v)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
3. A pre-application conferences was held on April 25, 2019 in accordance with SFCC Section 14-3.1(E).
4. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meetings was properly given.
5. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meetings was held on the Application, on June 3, 2020. The ENN meeting was attended by the Applicant, one member of City staff, and approximately 12 members of the public. Residents expressed concerns about traffic on Agua Fria Street, how small developments like this will affect traffic, and general quality of life. Residents expressed a desire for the City to perform a traffic study for the Agua Fria corridor.
6. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.

7. Staff recommended that the Commission should approve the preliminary subdivision plat, subject to certain conditions (the Conditions) and technical corrections set out in the Staff Report and exhibits.

#### Preliminary Subdivision Plat

8. Pursuant to SFCC Sections 14-2.3(C)(1) and 14-3.7(B)(3)(d), the Commission has the authority to review and approve or disapprove preliminary subdivision plats.
9. SFCC Section 14-3.7(B) establishes certain procedures for preliminary subdivision plat approval including, without limitation, a public hearing by the Commission, review of the preliminary plat, and a decision based on the criteria set out in SFCC Section 14-3.7(C).
10. SFCC Section 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material that demonstrates conformance with the standards of SFCC Section 14-9 (Submittal Requirements).
11. SFCC Section 14-3.7(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before approving a preliminary subdivision.
12. Pursuant to SFCC Section 14-3.7(C)(1), the Commission finds that due regard has been shown for all natural features, as there is minimal vegetation on the site, and there are no significant natural features, water courses, or historical sites.
13. Pursuant to SFCC Section 14-3.7(C)(2), the Commission finds that the land is suitable for platting and development purposes of the kind proposed, as there are no water courses or flood plains on or near the property.
14. Pursuant to SFCC Section 14-3.7(C)(3), the Commission finds that the plat complies with the infrastructure design, improvement, and dedication standards set forth in SFCC Section 14-9.
15. Pursuant to SFCC Section 14-3.7(C)(4)-(5), the Commission finds that no existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The Applicant is not requesting any variances with this proposal.

#### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

##### General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.

##### Preliminary Subdivision

2. The Commission has the authority to review and approve the preliminary subdivision plat subject to conditions.
3. The Applicant met the applicable Submittal Requirements.
4. The preliminary subdivision plat should be approved, subject to the Conditions and technical corrections set forth in the Staff Report because all applicable code requirements and criteria for preliminary subdivision plat approval have been met.

**WHEREFORE, IT IS ORDERED ON THE 1st DAY OF OCTOBER 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

Considering the foregoing findings and conclusions, the Commission approves the preliminary subdivision plat for the Project, subject to the Conditions and the technical corrections set forth in the Staff Report. The preliminary subdivision plat shall expire three years after issuance of this final action unless an extension is granted or a final subdivision plat is approved pursuant to SFCC Section 14-3.19(C).

\_\_\_\_\_  
John B. Hiatt  
Chairperson

\_\_\_\_\_  
Date

FILED:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:



Sally A. Paez  
Assistant City Attorney

June 4, 2020  
Date

# **City of Santa Fe, New Mexico**

## **Exhibit B**

### **Development Review Team**

- 1. Traffic Engineering Division Review**
- 2. Terrain Management Review**
- 3. Water Engineering Division Review**
- 4. Building Division ADA Site Review**
- 5. Fire Department Review**

# City of Santa Fe, New Mexico

# memo

**DATE:** September 8, 2020

**TO:** Lee Logston, Senior Land Use Planner

**FROM:** John J. Romero, Engineering Division Director *JR*

**CASE:** 2020-2500: 1620 Agua Fria Romero Subdivision

**ISSUE:**

Liaison Planning Services, Inc., Agent, for Carlos and John Romero, Owners, requests approval of a preliminary subdivision plat for 7 single-family residential lots located at 1620 Agua Fria Street. The property is zoned R-5 (Residential- five dwelling units per acre) and is approximately 1.47 acres.

**TRAFFIC:**

The proposed 7 lot subdivision is not expected to have a measurable effect on traffic in the surrounding area

**RECOMMENDED ACTION:**

<b>Conditions of Approval:</b>		<b>Completed By</b>
1	Lot 1 Shall access Prudencio Street. The developer shall close Lot 1's existing access to Agua Fria. The developer shall place a note on the plat stating that Lot 1 shall only receive access to Prudencio Street.	Prior to Subsequent Submittal
2	The Developer shall place a right-turn deceleration lane off of Agua Fria Street into Prudencio Street. The developer shall dedicated the needed right-of-way to accommodate this deceleration lane. The design of the deceleration lane shall be reviewed and approved by the Public Works Department.	Prior to Subsequent Submittal

<b>Technical Corrections:</b>		<b>Must be Completed By</b>
1	None	N/A

# Development Review Team

## Comment Form

Date: 8/27/20

Staff person: Dee Beingessner

Dept/Div: Land Use/Terrain Management

Case: Case #2020-2500 16200 Agua Fria Street Romero Preliminary Subdivision

Case Mgr: Lee Logston



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :	Must be completed by:
(None)	

Technical Corrections*:	Must be completed by:
1 Drainage Facilities Maintenance note shall be placed on the Plat or Development Plan (see attached)	Prior to recordation
2 Dust Control Note Shall be placed on the Plat or Development Plan (see attached)	
3 Gunnison's Prairie dog note shall be placed on the Plat or Development Plan (see attached)	
4 This development shall comply with the most current requirements of the American with Disabilities Act (ADA) for all infrastructure improvements. Place a note on the Plat to reflect this condition.	
5 Include note on Plat for on lot ponding requirement	
6 Other comments will be provided on Plans at the time of the building permit and changes may be required during permitting process	

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

## **DRAINAGE FACILITIES MAINTENANCE NOTE**

ALL DRAINAGE FACILITIES SHALL BE MAINTAINED BY ALL PROPERTY OWNERS. THE PROPERTY OWNERS SHALL ALSO HAVE THE RESPONSIBILITY FOR MAINTENANCE OF THE PUBLIC DRAINAGE EASEMENT.

INSPECTIONS SHALL BE CONDUCTED BY A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF NEW MEXICO OR OTHER QUALIFIED PERSON. INSPECTIONS SHALL BE CONDUCTED ON THE DRAINAGE FACILITIES IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

ON OR ABOUT MARCH 15, ON OR ABOUT SEPTEMBER 15, AND AFTER EACH STORM EVENT OF 1-INCH OR GREATER. MAINTENANCE OF THE DRAINAGE FACILITIES SHALL BE CONDUCTED AND DOCUMENTED BY THE ENGINEER AND THE OWNER. THE OWNER SHALL MAINTAIN A FILE OF THE INSPECTIONS AND REMEDIAL ACTION CONDUCTED ON THE DRAINAGE FACILITIES.

WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE ENGINEER'S RECOMMENDATIONS, AND SHALL INCLUDE, BUT IS NOT LIMITED TO THE FOLLOWING:

A. FLUSH ALL CULVERTS, DROP INLETS AND DRAINAGE PIPES TO REMOVE SEDIMENT AND VEGETATION THAT PREVENTS OR HINDERS THE FLOW OF STORM WATER IN THE DRAINAGE STRUCTURE(S).

B. REMOVE SEDIMENT IN PONDS THAT IS GREATER THAN 6-INCHES IN DEPTH, AND IF NECESSARY, RESEED WITH NATIVE GRASSES AND INSTALL FILTER FABRIC AND 3 TO 4 INCH COBBLE AS DIRECTED BY THE ENGINEER.

C. INSPECT FOR SEDIMENTATION IN ALL SWALES, DITCHES, DRAINAGE PONDS AND REMOVE AND STABILIZE AS NECESSARY.

D. INSPECT FOR SOIL EROSION AT ALL DRAINAGE PONDS, CUT AND FILL SLOPES, AND REPAIR OR STABILIZE ACCORDINGLY.

E. INSPECT THE STRUCTURAL INTEGRITY OF DRAINAGE PONDS, SLOPES, RIP-RAP, GABIONS, DROP INLETS, CULVERTS, ENERGY DISSIPATORS, AND RETAINING WALLS, ROCK PLATING, EROSION CONTROL MATS OR BLANKETS, AND REPAIR OR STABILIZE ACCORDINGLY.

## **GUNNISON'S PRAIRIE DOG NOTE**

THE PROJECT SHALL COMPLY WITH THE PROVISIONS OF THE GUNNISON'S PRAIRIE DOG ORDINANCE (ARTICLE 14-8.12).

## **DUST CONTROL NOTE**

All on-site soil disturbing construction activities shall be addressed and provide measures to mitigate or control dust from being transported offsite and polluting neighboring properties.

Any person, owner, contractor or operator who conducts earthmoving and/or dust generating activities is responsible for implementing Best Management Practices (BMPs) in order to mitigate off-property transport of fugitive dust emissions.

A plan, or storm water prevention plan (SWPPP) when applicable, listing the Best Management Practices (BMPs), shall be provided to the City Engineer, or their designee for review and approval. The approved BMPs shall be applied to the graded and/or disturbed soil in order to stabilize the site.

The initial BMP shall address how the Contractor will minimize the amount of disturbed soil, and how the Contractor will stabilize the disturbed surface area exposed to wind or vehicle traffic during construction.

# Development Review Team

## Comment Form

Date: 08/26/2020

Staff person: Brian Snyder

Dept/Div: Public Utilities/Water

Case: **Case #2020-2500. 1620 Agua Fria Street Romero Preliminary Subdivision.**

Case Mgr: Lee Logston



Review by this division/department has determined that this application will meet applicable standards if the following are met:

### Conditions of Approval:

### Must be completed by:

1 An approved Water Plan from the Water Division will be required. Water Plan comments will be submitted to the design engineer.	Prior to final plat approval.
2	
3	
4	

### Technical Corrections\*:

### Must be completed by:

1	
2	
3	
4	

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

# Development Review Team

## Comment Form

Date: 08/21/2020  
Staff person: Jason M. Kluck  
Dept/Div: Land Use Dept./Building Division – ADA Site Review  
Case: Case #2020-2500 Preliminary Subdivision  
1620 Agua Fria St.  
Case Mgr: Lee Logston



Review by this division/department has determined that this application will meet applicable standards if the following are met:

### Conditions of Approval:

### Must be completed by:

<ol style="list-style-type: none"><li>1. Design Work shall comply with ICC ANSI A117.1-2009, Chapters 1-5 and Chapter 7 as required, and applicable Federal and State codes and statutes. (See Requirements &amp; Conditions below for additional information).</li><li>2. Incorporate dimensions into construction plans for all features required for ADA accessibility. These may be shown on an enlarged plan and as typical.</li><li>3. Include Keyed note/tag/sheet reference for NMDOT curb ramp types and other applicable NMDOT design standards on construction plans.</li><li>4. Indicate slopes along the accessible path of travel, including driveway and intersection crossings.</li><li>5. Accessibility feature design within the Public Right-of-Way shall comply with NMDOT Pedestrian Access Route Details (Serial 608). Applicable On-Site accessible features shall also comply with NMDOT Serial 608 unless alternate feature design is provided for approval.</li></ol>	Prior to construction permit application
---	--

**Technical Corrections\*:**

**Must be completed by:**

<ol style="list-style-type: none"><li>1. Provide Design Professional Seal and signature with date signed on all drawing sheets.</li><li>2. Submittal package is preliminary in nature. Further comments may be provided with subsequent submittals.</li></ol>	Prior to recording
---	--------------------

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project.

**Explanation of Requirements and Conditions:**

**On-Site General ADA Compliance Requirements:**

Accessible path(s) of travel route shall be provided from the Public Right-of-Way and accessible parking aisle(s) to accessible building entrance(s) and shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Ensure accessible route(s) from the Public Right-of-Way and accessible parking space aisle(s) to building entrance(s) are provided and maintained. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.

IBC 1104.1 Site arrival points: At least one (firm, stable, slip resistant) accessible route within the site shall be provided from: public transportation stops, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance served.

Accessibility feature design within the Site shall comply with NMDOT Pedestrian Access Route Details (Serial 608) as provided in the permitted Construction Documents.

All Sidewalks and Walkways along the accessible path of travel shall be firm, stable and slip resistant and shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.

Sidewalks and Walkways along the accessible path of travel shall not exceed 1:20 (5%) running slopes without handrail(s) in accordance with current ANSI 117.1 standards 505 & 2015 IBC 1014. Cross slopes shall not exceed 2% staff recommends 1% to 1.5% as a target cross slope. Walkways shall provide 5' diameter turning space every 200 linear feet of run. It is preferred to have marked crossings where the accessible route crosses vehicular traffic lanes.

Ramps within the site shall have 1:12 (8.33%) running slope and 1:48 (2%) cross slope max. With a max. rise of 30" and with 5' clear length landings where straight. Changes in direction shall comply with 304.3. Landing typical slope is 1.5% and shall not exceed 2% running and cross slope.

Curb Ramps shall have the required 5' clear length landing and turning space. Changes in direction shall comply with 304.3. Curb Ramps within the site shall have a target running slope of 7% or less typical and 1:12 (8.33%) maximum. Curb Ramp landing target slope is 1.5% and shall not exceed 2% running and cross slope maximum in any direction.

At time of construction, the Contractor shall ensure ADA compliance for construction of required ADA accessible features and appurtenances, as detailed in, and in addition to, the approved construction permit documents. Improvements shall comply with ICC ANSI A117.1-2009 Chapters 1-5 and Chapter 7, 2015 New Mexico Accessible Parking Checklist, MUTCD, NMDOT, and NM State Statute and Code as applicable.

ADA parking signage shall comply with the New Mexico Accessible Parking Checklist, latest version. Accessible Signage Detail - Signage with required language per the NM Accessible Parking Checklist is required at ALL ADA Parking spaces. Parking signage height shall be 84" above the floor of the parking space, measured to the bottom of the R7-8 sign in the Public right-of-way, accessible path of travel, pedestrian way or path of the means of egress. Locate Van Accessible Parking signs immediately below the reserved parking sign at wall mounted or other locations not in the pedestrian way. At Van Accessible signs located in the pedestrian way, the R7-8A Van Accessible sign shall be mounted at 84" to bottom of the sign. Wall mounted signs and signs not mounted in the public way shall be 60" (84" is preferred) minimum above the floor of the parking space, measured to the bottom of the sign.

Per the 2015 NM Accessible Parking Checklist, Section 9 (NMBC-1111 Section 1.4 through 1.4.3) the ADA parking space access aisle shall be clearly marked by diagonal pavement striping. "NO PARKING" lettering shall be stenciled in 1 foot high min. and 2 inches wide min. strokes, and located at the drive end of the striped access aisle. The International Symbol of Accessibility (ISA) shall be stenciled at all parking spaces, centered on the space and aligned with the drive end of the parking space striping. All pavement striping and markings shall be stenciled with pavement paint; blue on concrete paving or white on asphalt paving.

Accessible parking spaces and access aisles shall not exceed 2% slope in any direction. 1%-1.5% is the preferred target slope.

Ensure ADA Accessible parking spaces are located in close physical proximity to any adjacent Accessible housing units and other accessible entrances (60% of all entrances shall be accessible), with the shortest path of travel available from the parking area to the unit(s) and accessible entrances. Ensure accessible routes from Accessible parking space aisle(s) to building entrance are provided/maintained.

Wheel stops are encouraged at all ADA accessible parking spaces to help ensure required clearance along the accessible path of travel is maintained.

Vertical clearance: Provide and maintain 80" of vertical clearance for the full width of all sidewalks/pedestrian routes. Rails or other barriers shall be provided where the vertical clearance is less than 80". The leading edge of such rails or barrier shall be located 27" max. above the floor. (307.4) Provide and maintain 98" vertical clearance at van parking spaces and access aisles, and accessible routes. (502.6) At Passenger Loading Zones, provide and maintain 114" min. vertical clearance at the exterior vehicular route and access aisles serving the vehicle pull-up space. (503.5)

New bicycle racks shall comply with Santa Fe Chapter 14 Appendix Exhibit D for bicycle rack standards and dimensions.

#### Off-Site PROW Compliance Requirements:

Accessibility feature design within the Public Right-of-Way shall comply with NMDOT Pedestrian Access Route Details (Serial 608).

Driveway and intersection crossings shall not exceed 2% cross slope, shall have a level maneuvering space, shall have 1/4" max. vertical deflections, and 10% max. flare slope.

Curb Ramps shall have the required 5' clear length landing and turning space. Changes in direction shall comply with 304.3. Curb Ramps within the site shall have a target running slope of 7% or less typical and 1:12 (8.33%) maximum. Curb Ramp landing target slope is 1.5% and shall not exceed 2% running and cross slope maximum in any direction.

Sidewalks and Walkways along the accessible path of travel shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.

All walk surfaces along the accessible path of travel shall be firm, stable and slip resistant. Sidewalks and Walkways along the accessible path of travel shall not exceed 1:20 (5%) running slopes without handrail(s) in accordance with current ANSI 117.1 standards 505 & 2015 IBC 1014. Cross slopes shall not exceed 2% staff recommends 1% to 1.5% as a target cross slope. Walkways shall provide 5' diameter turning space every 200 linear feet of run. It is preferred to have marked crossings where the accessible route crosses vehicular traffic lanes.

At time of construction, the Contractor shall ensure ADA compliance for construction of required ADA accessible features and appurtenances, as detailed in, and in addition to, the approved construction permit documents. Improvements shall comply with ICC ANSI A117.1-2009 Chapters 1-5 and Chapter 7, 2015 New Mexico Accessible Parking Checklist, MUTCD, NMDOT, and NM State Statute and Code as applicable.

# Development Review Team

## Comment Form

Date: 08/27/2020

Staff person: Geronimo Griego

Dept/Div: Fire Prevention

Case: 2020-2500 1620 Agua Fria Street Romero Preliminary Subdivision

Case Mgr: Lee Logston



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:  
by:

Must be completed

	Prior to planning commission.
--	-------------------------------

Technical Corrections\*:

Must be completed by:

<ol style="list-style-type: none"><li>1. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1).</li><li>2. Shall meet the 150 feet driveway requirements per IFC, or an emergency turn-around that meets the IFC requirements shall be provided (Appendix D Table D103.4).</li><li>3. Shall comply with table D103.4: Requirements for Dead-End Fire Apparatus Access Roads.</li><li>4. Fire Department shall have 150 feet distance to any portion of the building on any new construction (IFC 2009 section 503.1.1).</li><li>5. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.</li><li>6. Shall have water supply that meets fire flow requirements as per IFC (Appendix B).</li><li>7. Shall comply with Section D102.1: Access and Loading (75,000 lbs).</li></ol>	At the time of any new construction or remodel.
---	---

<ol style="list-style-type: none"><li>8. Shall comply with IFC 2009 Section D103.2 Grade: Fire apparatus access roads shall not exceed 10 percent in grade.</li><li>9. Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates.</li><li>10. Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads.</li><li>11. Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.</li></ol>	
--	--

\*Must made prior to recording and/or permit issuance

# **City of Santa Fe, New Mexico**

## **Exhibit C**

### **Maps and Photos**

- 1. Future Land Use Map**
- 2. Current Zoning Map**
- 3. Aerial Photo**
- 4. Google Overlay**

# Exhibit C1: Future Land Use Map

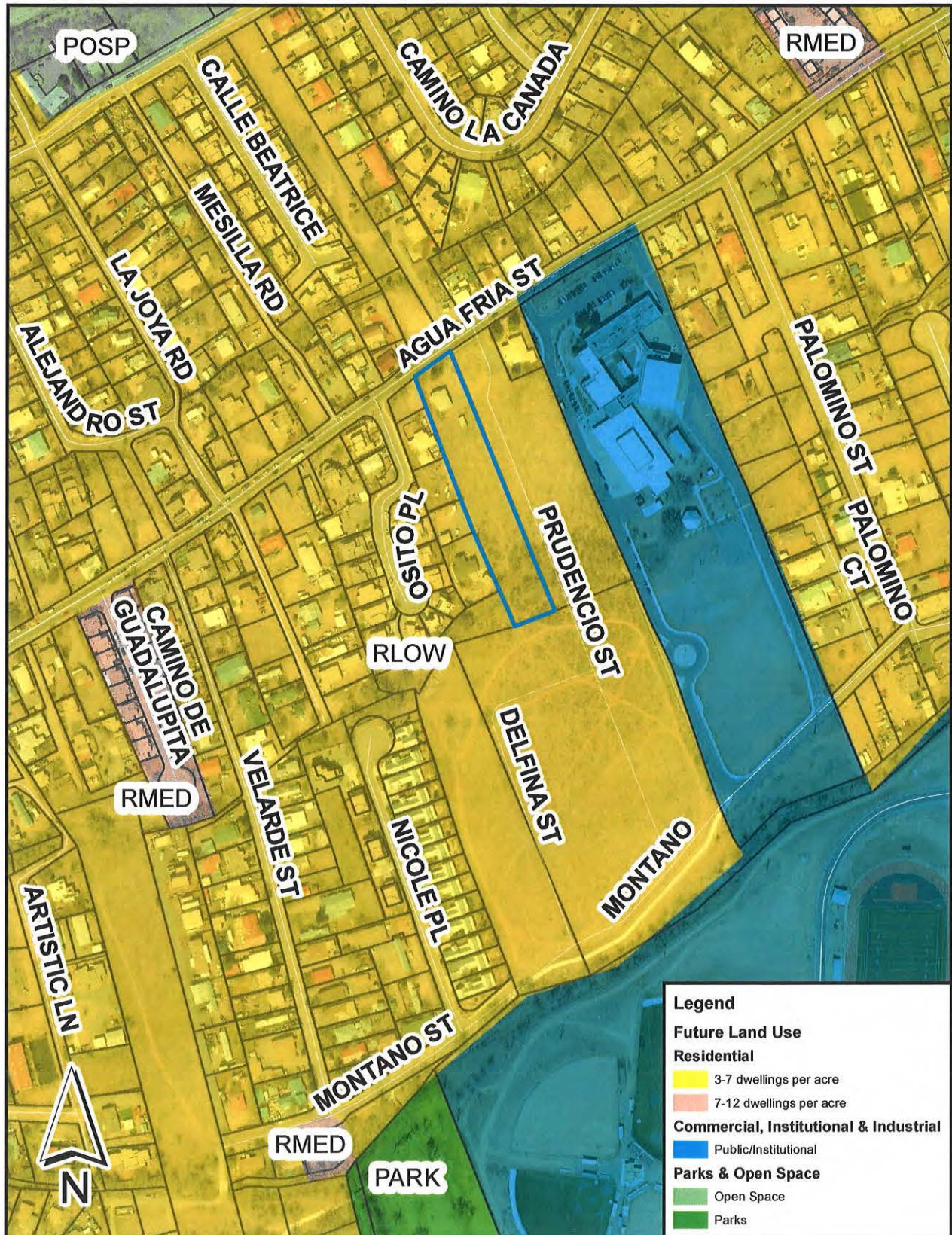
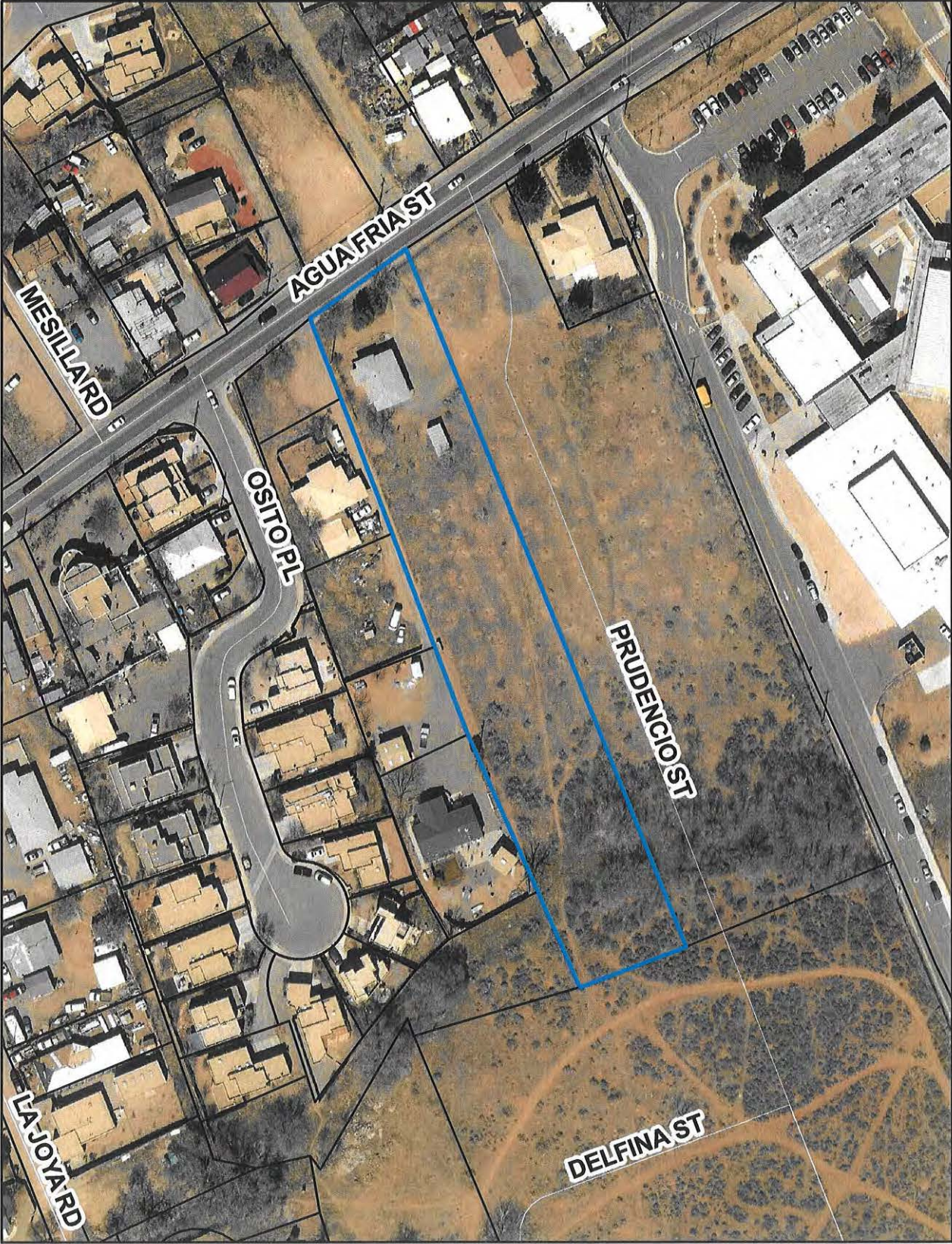


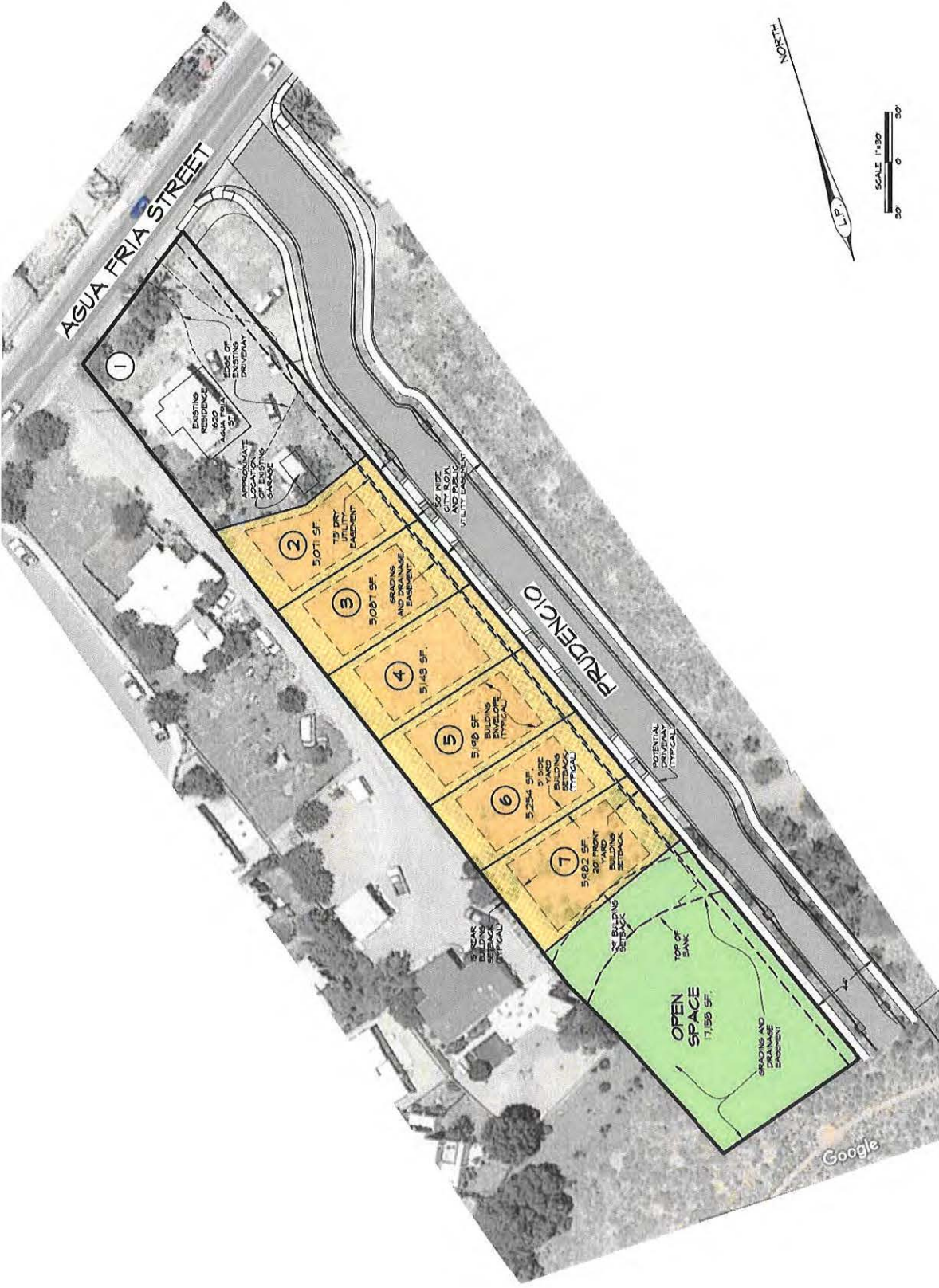
Exhibit C2: Current Zoning Map



**Exhibit C3: Aerial View**



**Exhibit C-4: Google Overlay**



# **City of Santa Fe, New Mexico**

## **Exhibit D**

### **Early Neighborhood Notification**

- 1. ENN Packet**
- 2. ENN Notes**

# LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 liaisonplanning@gmail.com

---

May 18, 2020

Re: Early Neighborhood Notification Meeting Romero Subdivision  
1620 Agua Fria Street Santa Fe, NM

Dear Neighbor,

Due to social distancing statewide requirements and health concerns associated with the Corona Virus (COVID 19), an ENN meeting will be conducted online via Zoom Video/ Teleconference for Aguafina Subdivision. The purpose of this neighborhood meeting is to discuss an application for Preliminary Plat approval for an 8-lot residential subdivision. The subdivision is one lot approximately 1.47 acres in size and zoned R-5. In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification ordinance, this is to inform you that a meeting is scheduled for:

**Topic: Romero Subdivision ENN Meeting**  
**Time: Jun 3, 2020 05:30 PM Mountain Time (US and Canada)**  
**Join Zoom Meeting**  
**<https://us02web.zoom.us/j/89449496129?pwd=b1Rod2lsb0hPcjF6UI9vUkJWUXdYQT09>**

**Meeting ID: 894 4949 6129**  
**Password: 653969**  
**One tap mobile**  
**+13462487799,,89449496129#,1#,653969# US (Houston)**  
**+16699006833,,89449496129#,1#,653969# US (San Jose)**

**Dial by your location**  
**+1 346 248 7799 US (Houston)**  
**+1 669 900 6833 US (San Jose)**  
**+1 253 215 8782 US (Tacoma)**  
**+1 312 626 6799 US (Chicago)**  
**+1 929 436 2866 US (New York)**  
**+1 301 715 8592 US (Germantown)**  
**Meeting ID: 894 4949 6129**  
**Password: 653969**  
**Find your local number: <https://us02web.zoom.us/j/kc9PexK9Cr>**

The Early Notification ordinance provides for an exchange of information between perspective applicants for development projects and the project's neighbors before the application becomes too firm to respond meaningfully to community input.

Attached, please find a vicinity map outlining the project area. If you have any questions or comments, please contact Liaison Planning Services Inc., (505) 920-6839.

Sincerely,

Dolores I. Vigil

Attachments: Vicinity Map

Special Note: Persons with disabilities in need of special accommodations or the hearing impaired in need of an interpreter please contact the Land Use Office (505) 6820 5 days prior to the hearing or meeting date.



## ENN GUIDELINES

### Applicant Information

Project Name: Romero Subdivision Application for 1620 Agua Fria Street Santa Fe, NM

Name: Romero Carlos J. and John C.

*Last First M.I.*

Address: 1620 Agua Fria Street

*Street Address Suite/Unit #*

Santa Fe NM 87505

*City State ZIP Code*

Phone: (505) 920-6839 E-mail Address: c/o liaisonplanning@gmail.com

**Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.**

**(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS** *For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.*

The property is located on the south side of Agua Fria, east of Osito Place and is zoned R-5. The property is approximately 1.47 acres. The applicant would like subdivide the property into 8 residential lots. The property will be subdivided into lots no less than the minimum allowed. Access will be from Dcs Acequias Subdivision and Agua Fria. Open space, landscaping, parking, lighting and setbacks will be provided per code.

**(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT** *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

The proposed development will protect the physical environment by meeting all development standards.

**(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN** *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

The property will not impact any prehistoric, historic, archeological, or cultural sites and structures including acequias and is located outside of the historic downtown.

**(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN** *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

Approving this application will not adversely affect the public interest. The Project will benefit the public interest by providing much needed housing for Santa Fe residents on Agua Fria with close proximity to public transportation and employments centers. The Project is also close to many amenities such as grocery stores, pharmacies, restaurants, and medical services. The term "Public Interest" is not defined in Chapter 14; however, the Governing Body has implemented the General Plan and Chapter 14 in order to establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest. This development proposal will provide buildable lots that will allow affordable residences which will supplement much needed housing for the City of Santa Fe. The City's 1999 General Plan supports infill development in urban centers where feasible, and to "Promote a compact urban form and encourage sensitive/compatible infill development" (Section 1. 7.9).

**(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES** *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The applicant proposes to provide adequate ingress and egress to meet the minimum requirements for development.

**(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE** *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

While new development is frequently perceived to create a negative impact on existing property owners in the immediate vicinity, that impact must be weighed against the benefit to the public, or the expense to the public, of not building the development. The development of this property as proposed would provide reasonably priced, infill housing close to shopping, and employment. The public interest of increasing the supply of market rate and affordable housing stock is served by this project.

**(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS** *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

According to the section 1.7.1 within the General Plan affordable housing is encouraged for all incomes throughout the City and should be provided close to jobs to encourage to promote transit use. The proposed subdivision will provide affordable housing in a setting that is in need of such development. The project is not limited to an age group, nor income.

**(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES** *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

Public water and sewer are readily available at this site and have sufficient capacity to handle the additional load from this development. All other outside utility providers agree that this site is well served by existing infrastructure, with all dry utilities either already on, adjacent to, or in close proximity to the property. Dry utilities are of sufficient capacity to serve the project at full development.

**(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

The development will be served by City Water and sewer. Conservation methods will be incorporated into the project as required by Code.

**(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS** *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

The property is bounded by single family residential. The proposed project will clearly improve the site and will be designed to easily integrate with surrounding developments. The applicant proposes a site that compliments the streetscape to ensure compatibility with adjacent properties and the Future Land Use Map/ Transitional Mixed Use.

**(k) EFFECT ON SANTA FE'S URBAN FORM** *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

The lot on which the development is proposed is presently underutilized. Infill development of this type is supported by the Plan in reference to this Section 1. 7.11, because it calls for new development to be "oriented from established neighborhoods to urban context and promotes active street and outdoor life".



## City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	Romero Preliminary Subdivision
<i>Project Location</i>	1620 Agua Fria Street
<i>Project Description</i>	8 Lot Preliminary Subdivision
<i>Applicant / Owner</i>	John & Carlos Romero
<i>Agent</i>	Liaison Planning, Dolores Vigil
<i>Pre-App Meeting Date</i>	April 25, 2019
<i>ENN Meeting Date</i>	June 3, 2020
<i>ENN Meeting Location</i>	Virtual Meeting – Zoom
<i>Application Type</i>	Preliminary Subdivision
<i>Land Use Staff</i>	Lee Logston
<i>Other Staff</i>	
<i>Attendance</i>	Lee Logston, Dolores Vigil (Agent), John Romero (Applicant), approximately 12 members of the public

### Notes/Comments:

The virtual meeting began a little after 5:30 PM in order to make sure everyone had time to join. Mr. Logston briefly explained the nature of the application. Neighbors will have opportunity for public input at both the Preliminary and Final Subdivision stages at the Planning Commission.

Ms. Vigil then gave a brief summary of the proposal, sharing her ENN guidelines and a color drawing of the subdivision superimposed on a Google Earth image on her screen. Ms. Vigil explained that the existing house would access Agua Fria and that the new lots would access Prudencio Street, a new street to be built as part of the Dos Acequias subdivision. She showed the layout of the lots and the open space at the south end of the project.

A resident asked if the ENN was being recorded so that it could be shown to other residents later, and Ms. Vigil said that it was not. Mr. Logston then briefly discussed how attendees can participate in the Zoom format, explaining the functions on the screen.

Then Mr. Logston and Ms. Vigil began a question and answer session with the residents. Topics of discussion:

- A resident wanted clarification on traffic. Was the applicant stating that because the lots were accessing the new Dos Acequias street, somehow that lessens traffic on Agua Fria? Ms. Vigil clarified that this was not what she was saying, that she meant the traffic from the new lots was being directed to a better street and turning situation onto Agua Fria compared to turning out of a narrow private lot access driveway.
- A resident wanted clarification on what the Prudencio Street connection to Agua Fria looked like. Would there be an island of some type? Mr. Logston showed a screen image and clarified that there was no island, but that the street connection consisted of a lane coming in and both a left and right turn lane going out.
- Would there be a right turn lane headed east into Dos Acequias? Several residents stated they believed that this was promised by the developer. Mr. Logston clarified that a section of right of way was dedicated by Dos Acequias for the purposes of a right turn lane, but that it was not promised and the dedication was performed in the event that it becomes possible to build one in the future. There was discussion that now this might be the opportunity, so wouldn't it be built? Mr. Logston explained that it would be the Traffic Engineer's call.
- Rick Martinez asked how this timed with Dos Acequias. Mr. Logston explained that as the lots would access the Phase 1 road construction of Prudencio, that this small subdivision would not be built until Phase 1 of Dos Acequias was built. Some discussion of timing and road dedication continued.
- There was discussion of the open space at the south end of the development. Mr. Logston explained that there was a grading and drainage easement on that portion of property to service Dos Acequias. Did that mean there would be no disturbance of the dry acequia? Mr. Logston explained that only as was designed and approved for Dos Acequias.
- Mr. Martinez mentioned another five-lot subdivision north of Agua Fria that had just been advertised, and that it would have an entrance directly across from Dos Acequias. Mr. Logston clarified that that is an existing lot access driveway, was only a secondary access for the mentioned subdivision (primary access off Paseo de Conquistadora), and that it was actually 60 to 70 feet west of where the Prudencio intersection would be. Additionally, a variance would be required for the subdivision to be approved.
- Several residents asked if there would be a traffic study for this proposal. Mr. Logston pointed out that a traffic study is not usually required for such a small subdivision, and that there was vacant land all up and down Agua Fria that would be built in the future. A resident suggested that we should figure out by allowed density how many lots that would be, and include this in a traffic study. Mr. Logston stated that then we'd have to try to figure out all the traffic that's coming from Siler and everywhere else too. Traffic studies are based on parameters known at the time, and the farther out one tries to project, the less accurate they become, therefore there is an accepted methodology.
- Residents continued to discuss traffic, and Mr. Logston said that ultimately, it's up to the traffic Engineer to make these calls. We can make requests or suggestions, but it will be his decision.

Mr. Logston told everyone to email him with questions and explained that he is available by phone, but that phone calls to his office phone would come to his email as messages. The meeting was adjourned at approximately 6:30.

# **City of Santa Fe, New Mexico**

## **Exhibit E**

### **Applicant Materials**

- 1. Application Submittals**
- 2. Proposed Subdivision**

# LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 liaisonplanning@gmail.com

---

August 17, 2020

City of Santa Fe Planning Commission  
Land Use Department  
P.O. Box 909  
Santa Fe, NM 87504-0909

## LETTER OF INTENT

Re: Romero Subdivision Preliminary Plat Application  
1620 Agua Fria, Santa Fe, NM

Dear Commissioners,

On behalf of Carlos J. and John C. Romero, please accept this application as a formal request to review and approve a Preliminary Subdivision Plat for a 7-lot residential subdivision located at 1620 Agua Fria Santa Fe, NM. The property is located on the south side of Agua Fria, east of Osito Place, west of The Academy At Larragoliti and is zoned R-5. The property is approximately 1.47 acres. The applicant would like subdivide the property into 7 residential lots. An existing home is located on the north end of the lot and will remain (see Site Plan). The property will be subdivided into lots no less than the minimum allowed. Access will be from Dos Acequias Subdivision and Agua Fria. Open space, landscaping, parking, lighting and setbacks will be provided per code. Enclosed is the Preliminary Subdivision Plat and all appropriate documentation for your review and approval.

### Project Description:

The 1.47-acre property is a vacant tract of land zoned R-5. The proposed subdivision is comprised of 7 single family residential lots. One of the lots has an existing home that will be accessed directly off of Agua Fria. The remaining lots will be accessed off Prudencio Street. The proposed lots meet and exceed current R-5 zoning standards for minimum lot size. Lot coverage will not exceed the allowable standards within this zoning district. Sidewalks and landscape planting strips are proposed along Prudencio Street and within open space areas.

The applicant perceives this development as an affordable housing subdivision which will allow stick-built homes that meet City standards. Each home will be constructed to

meet all required development standards regarding height, setbacks, lighting, landscaping and lot coverage. As required, the applicant will enter into a contract with The City of Santa Fe Housing Opportunity Program (see attached Proposal).

Legal Lot of Record:

Attached is a legal lot of record entitled "Survey Made For Prudencio and Delfina U. Romero Precinct 32, Santa Fe, N. Mex." James Harvey Map. The enclosed quick claim deed shows conveyance of this property.

Zoning:

The zoning for this property is R-5. The application meets and exceeds the minimum lot size requirement and all development standards within this district.

School District Notice:

The applicant has submitted a written notice of the proposed application to the Santa Fe Public School District. No response from the District has been received.

Terrain Management:

The lot is primarily flat with a gentle slope from east to west as indicated on the attached terrain management plan. Drainage improvements will follow existing drainage patterns.

All lots will be required to adhere to land development regulations regarding on site ponding requirements per Subsection 14-8.2. The maintenance of these ponds will be the responsibility of the individual homeowner. The proposed development is designed to protect and enhance the natural topography and vegetation, by minimizing soil erosion and sediment transport caused by storms and inclement weather.

Storm drainage computations for existing conditions were calculated using on site topographic mapping prepared for the project and City of Santa Fe GIS mapping where needed for additional coverage. It is assumed that the adjacent Dos Acequias Phase 1 construction will be underway or possibly complete prior to the Romero Subdivision construction. For the Romero Subdivision to be feasible as designed, it relies on the construction of Prudencio Street, a future City-owned roadway to be constructed as part of the Dos Acequias Subdivision. As such, three separate drainage analyses are required to adequately model the drainage situation; Existing, Pending Adjacent Construction, and developed (see drainage report).

This property is located outside of escarpment overlay zones.

Covenants:

The applicant will draft covenants for review and approval. The covenants are written to protect the intended character of the subdivision. These covenants will limit the number of cars, disallow junk vehicles, create landscape requirements, designate parking areas, address trash and noise, and maintenance of ponds. The covenants will be referenced on the Final Subdivision Plat and recorded in the Santa Fe County Clerk's Office.

Landscaping, Lighting and Signage:

The property is sparse with very little vegetation. In order to enhance and beautify the subdivision the applicant will provide landscaping in accordance with development standards as indicated on the attached landscape plans. Existing vegetation will be preserved and maintained where possible. The plan illustrates where shrubs and trees will be located within designated open space areas (see Landscape Plan).

Water/ Wastewater and Fire Protection:

The subject property will be improved with City water and sewer service to each lot. The sewer line will hook up on Prudencio Street, running west. The proposed lines have been engineered to meet City standards for installation and maintenance.

Water Budget:

0.15 ac. ft. x 6 lots =	.9 ac. ft.
Landscaping	<u>0.19 ac. ft.</u>
	1.09 ac. ft.

**1.09 ac. ft. Total**

Fire hydrants are located along Agua Fria and will be available along Prudencio Street within the Dos Acequias Subdivision.

Dry Utilities:

Each lot will be serviced by electric and gas. The applicant has met with PNM and Gas Company of NM to make certain that the proposed easement is in compliance with all requirements. In addition, all utilities will be placed underground and installed by a licensed contractor.

Solid Waste:

The proposed subdivision shall be served by the City of Santa Fe Solid Waste Management Division.

Santa Fe Homes Program:

The applicant has entered into an agreement with the Santa Fe Homes Affordable Housing program and has agreed on a fee of \$27,900.00.

Access and Traffic:

The property is located on the south side of Agua Fria, east of Osito Place, west of the Academy at Larragoti. Access for the interior lots will be from Prudencio Street and Agua Fria. The existing residence will continue to access off of Agua Fria (see enclosed Site Plan).

Subdivision Approval Criteria:

- (1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.

***All lots will be required to adhere to land development regulations regarding on site ponding, landscaping, open space and lot coverage. Runoff will be controlled and setbacks and landscaping will be maintained. The subdivision has been designed to provide each individual lot owner their own private open space, located outside of buildable areas. This will ensure each property owner has their own private area as desired by this housing type. In order to promote a harmonious development, create quality of life and develop a community; trees will be planted and maintained along the roadways and within the open space.***

- (2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that

may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).

***The parcel was created as a family transfer through warrantee deeds and handed down to family members. The applicant has demonstrated that all proposed improvements meet requirements for utilities, buildable areas, open space, landscaping, setbacks and easements. Each lot has building areas no more than the required 40% allowable and each individual lot will meet regulations for maintaining runoff onsite. Homes will not be built within areas subject to runoff accumulation. The property is not located within a flood zone nor arroyo or watercourse.***

- (3) All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).

***The proposed subdivision plat meets all standards of Chapter 14, Article 9 regarding infrastructure design, improvements and dedication standards. Although the lots are narrow, the proposed design illustrates a subdivision that meets all regulatory standards. The applicants have made every effort to address all issues.***

- (4) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.

***The property has one existing residence, no non-conformities exist. There is no request for a variance.***

- (5) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.

***There are no requests for an exception.***

The proposed subdivision is in keeping with governing rules and regulations within the zoning district. Your consideration for approval is greatly appreciated.

Sincerely,



Dolores I. Vigil  
Liaison Planning Services Inc.

Attachments:

- Application
- Authorization
- Legal Lot of Record
- Quick Claim Deed
- Vicinity Map
- Santa Fe Housing Proposal
- Drainage Report
- Site Plan
- Preliminary Subdivision Plat
- Landscape Plan
- Engineered Drawings

---

**City of Santa Fe**  
**SANTA FE HOMES PROGRAM**  
**PROPOSAL**  
***"Romero Subdivision"***  
***1620 Agua Fria, Santa Fe, New Mexico***

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this 17<sup>th</sup> day of August, 2020 by Carlos J. Romero and John C. Romero ("SFHP Developer").

**RECITALS**

- A. SFHP Developer is the developer of Romero Subdivision hereinafter referred to as the "Property".
- B. SFHP Developer desires to subdivide and develop the Property.
- C. It is understood that all representations made herein are material to the City and that the City will rely upon these representations in permitting or approving development of the Property.

**PROPOSAL**

SFHP Developer proposes to comply with the SFHP requirements as follows:

- A. DEVELOPMENT REQUEST.
  - 1. SFHP Developer seeks **preliminary and final subdivision** approval.
  - 2. The Property is to be developed as 6 **for-purchase homes/manufactured home lots** (in addition to existing home on property).
- B. SFHP PLAN. The project has an area of approximately acres, zoned R-5, permitting 5 dwelling units per acres. SFHP Developer proposes to build 6 **dwelling units**. Developer agrees to comply with the Santa Fe Homes Program ordinance. Because the development is comprised of ten (10) or fewer units, the SFHP does not require construction of any SFHP Homes. The SFHP Developer agrees to make a payment of **\$27,900.00**, as

calculated pursuant to SFHP. The payment shall be made to the City of Santa Fe and deposited into the Affordable Housing Trust Fund (AHTF).

C. SUCCESSORS IN TITLE. SFHP Developer proposes to develop the Property consistent with this SFHP Proposal. In the event that SFHP Developer sells, assigns, leases, conveys, mortgages, or encumbers the Property to any third party, the third party shall be required to execute a SFHP Agreement consistent with this Proposal prior to obtaining any City approvals.

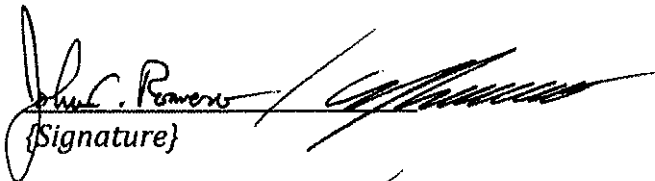
D. MONITORING. SFHP Developer proposes to provide such information and documentation as the City may reasonably require in order to ensure that the actual sales were in compliance with the SFHP Agreement.

E. DEVELOPMENT INCENTIVES. SFHP Developer **does** request a **density bonus** as a term of compliance through the payment of fees as allowed by SFCC 26-1 for projects of ten (10) or fewer units/lots.

F. REVISIONS, MODIFICATIONS AND SUPPLEMENTATION OF THIS PROPOSAL. In the event that the SFHP Developer or the City make material modifications, including modifications to the number of lots or units or the area covered by the Proposal, a revised SFHP Proposal shall be promptly submitted to the Office of Affordable Housing in order to provide a SFHP Proposal that is current and reflects the intended development.

IN WITNESS WHEREOF, this Proposal is made the day and year first written above.

SFHP DEVELOPER:

  
{Signature}

John C. Romero, JV Partner / Carlos J. Romero, JV Partner  
{Print Name, Title}

STATE OF NEW MEXICO )  
 )ss.  
COUNTY OF SANTA FE )

**ACKNOWLEDGEMENT**

The foregoing instrument was acknowledged before me this 17 day of August, 2020, by John C. Romero + Carlos Romero the {title} Joint Partners of {entity} JV Partner.



**OFFICIAL SEAL**  
ALEXANDRA K FALTER-HAHN  
NOTARY PUBLIC - State of New Mexico  
My Commission Expires 12/16/22

Alexandra K Falter-Hahn  
NOTARY PUBLIC

My Commission Expires:  
12/16/22

REVIEWED BY:

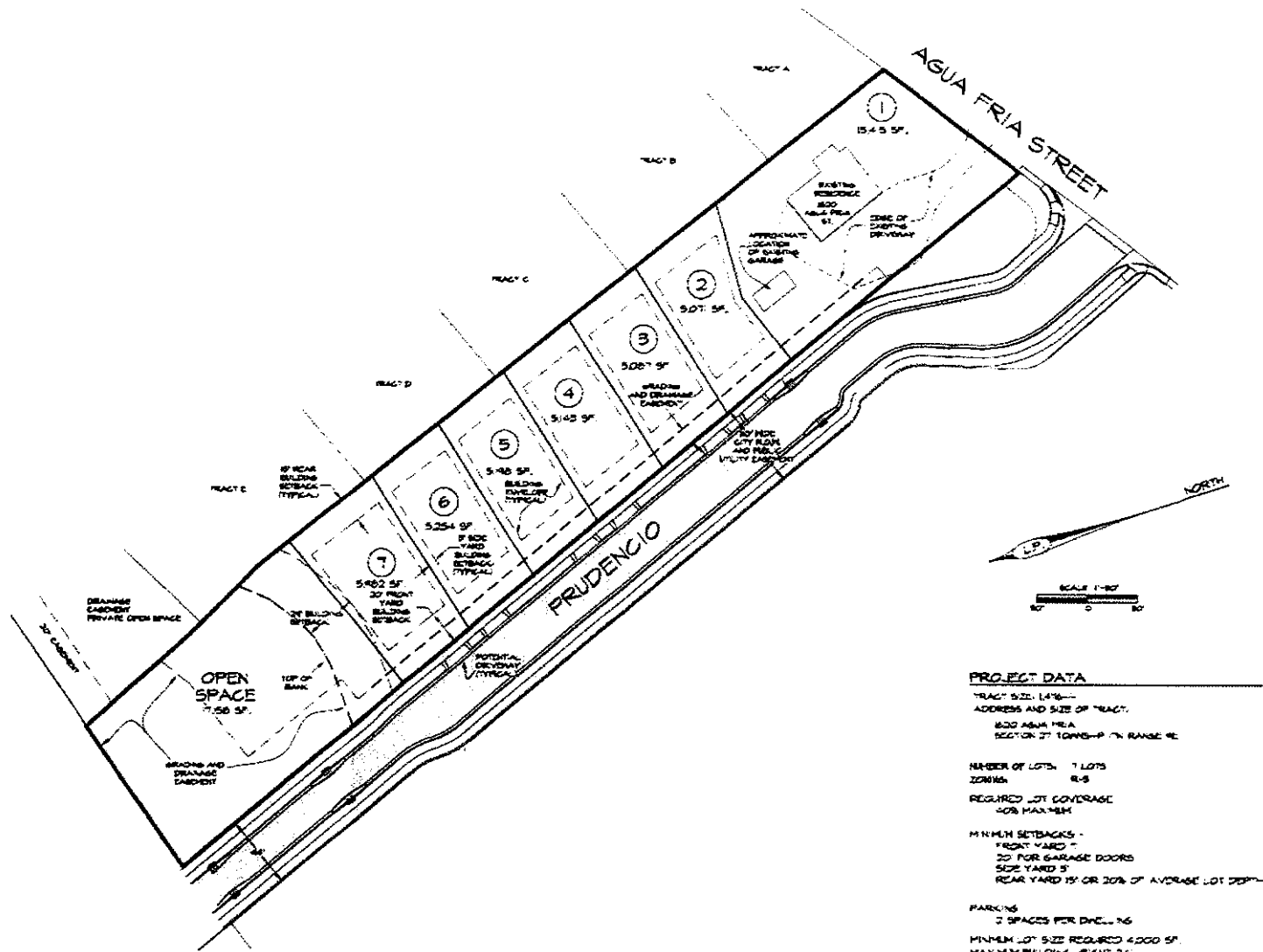
Alexandra Ladd

8.14.20

Alexandra Ladd  
OFFICE OF AFFORDABLE HOUSING

DATE

Attach: Exhibit 1 - Subdivision layout/location map (proposed)  
Exhibit 2 - Pricing/Fee Schedule



**PROJECT DATA**

TRACT SIZE: 1476--  
 ADDRESS AND SIZE OF TRACT:  
 800 AGUA FRIA  
 SECTION 27 TOWNSHIP 7N RANGE 4E

NUMBER OF LOTS: 7 LOTS  
 ZONING: R-8  
 REQUIRED LOT COVERAGE: 40% MAXIMUM

MINIMUM SETBACKS -  
 FRONT YARD 5'  
 20' FOR GARAGE DOORS  
 SIDE YARD 5'  
 REAR YARD 15' OR 20% OF AVERAGE LOT DEPTH

PARKING:  
 2 SPACES PER DWELLING  
 MINIMUM LOT SIZE REQUIRED 4000 SF  
 MAXIMUM BUILDING HEIGHT 24'

**SITE PLAN**

08/13/2020

## Santa Fe Homes Program (SFHP) Pricing Schedule – 2020

Income Range	Two Bedrooms 1-2 person HH (900 sq min)	Three Bedrooms 3-4 person HH (1,150 sq ft min)	Four Bedrooms 4-5 person HH (1,250 sq ft min)	Lot Price
1 (<50% AMI)	<i>Rental Pricing Tier (not applicable)</i>			
2 (50-65%AMI)	Max. Price: \$137,750 __0__ Units	Max. Price: \$155,000 __0__ Units	Max. Price: \$172,250 __0__ Units	\$38,750
3 (65-80%AMI)	Max. Price: \$179,000 __0__ Units	Max. Price: \$201,500 __0__ Units	Max. Price: \$223,750 __0__ Units	\$50,375
4 (80-100%AMI)	Max. Price: \$220,500 __0__ Units	Max. Price: \$248,250 __0__ Units	Max. Price: \$275,500 __0__ Units	\$62,063

Prices reflect 2020 HUD median incomes.

### FRACTIONAL FEE SCHEDULE (2 – 10 Lots/Units)

# of units	2	3	4	5	6	7	8	9	10
Unit Fraction	0.4	0.6	0.8	1	1.2	1.4	1.6	1.8	2
Fractional Fee	\$ 9,300	\$14,000	\$18,600	\$23,300	\$27,900	\$32,600	\$37,200	\$41,900	\$ 46,500

#### Formula

= # of Units X .20 (SFHP % required) = Unit Fraction

= ½ Effective home sales price for Tier 2, 3 BR home = \$140,750 X .50 = \$70,375

= \$77,500 X unit fraction X 0.3 (70% fee reduction made permanent in 2014)

Example (5 unit subdivision):

= 5 units X .20 = 1.0

= \$77,500 X 1.0

= 77,500 X 0.3 (70% fee reduction made permanent in 2014)

= \$23,250 (Rounded to nearest \$100)

= \$23,300

*NOTE: The home prices and fractional fee schedule are modified by the City according to Section 8.7.3 of the SFHP Administrative Procedures to reflect annual changes in the median income levels. The current SFHP prices that are in effect at the time the SFHP Home is made available for sale or the fractional fees are paid, determines the actual SFHP Home Price and/or amount of fractional fee. The prices are updated annually.*

# PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION



PREPARED FOR:  
JOHN ROMERO  
1620 AGUA FRIA STREET  
SANTA FE, NM 87505

CITY OF SANTA FE, NEW MEXICO  
SECTION 27, TOWNSHIP 17N, RANGE 9E

## TABLE OF CONTENTS

- 1-1 COVER SHEET AND INDEX OF SHEETS
- 2-1 SITE PLAN
- 3-1 PRELIMINARY SUBDIVISION PLAT
- 3-2 CERTIFIED TOPOGRAPHIC MAP
- 3-3 LEGAL LOT OF RECORD
- 4-1 LANDSCAPE AND IRRIGATION PLAN
- 5-1 SLOPE ANALYSIS MAP
- 5-2 SLOPE ANALYSIS CALCULATIONS
- 6-1 TO 6-2 TYPICAL SECTIONS, NOTES AND DETAILS
- 7-1 DEMOLITION PLAN
- 8-1 UTILITY NOTES AND DETAILS
- 8-2 UTILITY PLAN
- 9-1 TO 9-2 GRADING AND DRAINAGE PLAN
- 9-3 RETAINING WALL PROFILES
- 10-1 SITE CROSS SECTIONS
- 11-1 STORM WATER POLLUTION PREVENTION PLAN
- 11-2 TEMPORARY EROSION AND SEDIMENT CONTROL PLAN
- 11-3 PERMANENT EROSION CONTROL PLAN
- 11-4 STORM WATER CONTROL DETAILS
- 11-5 TO 11-6 TESCM DETAILS
- 12-1 TO 12-4 STANDARD DRAWINGS AND DETAILS

INFRASTRUCTURE CONSTRUCTION ADDRESS \_\_\_\_\_  
BUILDING PERMIT No's: (GRADING) \_\_\_\_\_  
(LANDSCAPE/UTILITIES) \_\_\_\_\_

**CITY OF SANTA FE DRAINAGE NOTES:**

1. SUBJECT TO THE APPROVAL OF CITY OF SANTA FE PERMIT AND DEVELOPMENT REVIEW DIVISION STAFF, STORM DRAINAGE AND EROSION/SEDIMENT CONTROL IMPROVEMENTS SHALL BE EXECUTED IN CONJUNCTION WITH THE CONSTRUCTION OF EACH SEGMENT OF ROADS AND UTILITIES. THESE IMPROVEMENTS SHALL BE COMPLETED AND INSPECTED PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
2. MAINTENANCE OF PRIVATE DRAINAGE EASEMENTS AND DRAINAGE FACILITIES IS THE RESPONSIBILITY OF THE OWNER. THE CITY OF SANTA FE IS HEREBY GRANTED THE RIGHT TO ACCESS AND INSPECT THESE EASEMENTS AND DRAINAGE FACILITIES AT THE DISCRETION OF THE CITY. THE OWNER AGREES TO FURNISH ROAD, ROADWAY, SIDEWALK, DRIVEWAY, DRIVEWAY OR PROPERTY RESULTING FROM THE CITY'S REASONABLE EXERCISE TO THEIR ACCESS AND INSPECTION RIGHT.

I CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE PROJECT WAS BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND THAT THESE RECORDED DRAWINGS ARE TRUE AND CORRECT TO THE BEST OF MY BELIEF.

ERIC A. CORNELIUS, N.M.P.E. NO. 22790  
SANTA FE ENGINEERING CONSULTANTS, LLC.

**ENGINEER'S STORMWATER INFRASTRUCTURE CERTIFICATION**  
I, UNDERSIGNED, BEING A PROFESSIONAL ENGINEER IN THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE RECORD INFORMATION SHOWN HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS AND VISUAL INSPECTIONS PERFORMED BY MYSELF OR UNDER MY DIRECT SUPERVISION.

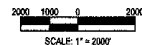
I FURTHER CERTIFY THAT THE RECORD CONDITION OF THE SITE AS OF \_\_\_\_\_ IS IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED GRADING AND DRAINAGE PLAN PREPARED BY \_\_\_\_\_, DATED \_\_\_\_\_.

PRINTED NAME, N.M.P.E. NO. \_\_\_\_\_, DATE \_\_\_\_\_.

PROPERTY DEVELOPMENT MUST COMPLY WITH SECTION 14-8-12 (RELOCATION OF GUINISSON'S PRAIRIE DOGS.)

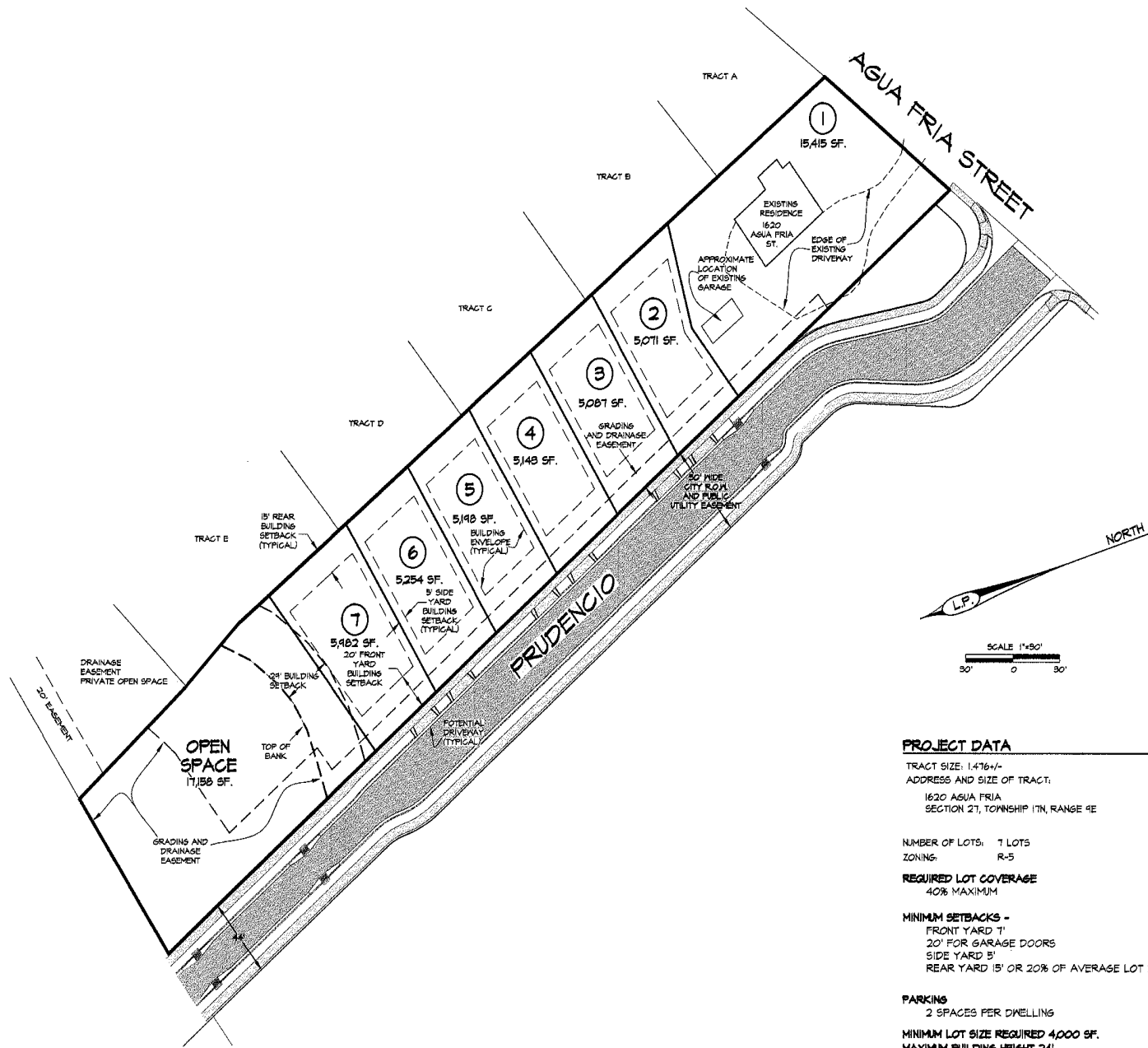


AUGUST  
2020



CASE# \_\_\_\_\_

REV.	SHEETS	CITY ENGR.	DATE	REV.	SHEETS	CITY ENGR.	DATE
APPROVAL OF REVISIONS							
CITY OF SANTA FE							
				CITY ENGINEER DATE			
COVER SHEET AND INDEX OF SHEETS				SHEET 1-1			



**PROJECT DATA**

TRACT SIZE: 1.4764+/-  
 ADDRESS AND SIZE OF TRACT:  
 1620 AGUA FRIA  
 SECTION 27, TOWNSHIP 17N, RANGE 9E

NUMBER OF LOTS: 7 LOTS  
 ZONING: R-5

**REQUIRED LOT COVERAGE**  
 40% MAXIMUM

**MINIMUM SETBACKS -**  
 FRONT YARD 7'  
 20' FOR GARAGE DOORS  
 SIDE YARD 5'  
 REAR YARD 15' OR 20% OF AVERAGE LOT DEPTH

**PARKING**  
 2 SPACES PER DWELLING

**MINIMUM LOT SIZE REQUIRED 4,000 SF.**  
**MAXIMUM BUILDING HEIGHT 24'**

# SITE PLAN

08/13/2020

REVISIONS	
DATE	BY

PLANNING:  
  
 Liaison Planning Services Inc.  
 P.O. Box 1837  
 Santa Fe NM 87504  
 (505) 825-1100  
 liaisonplanning@gmail.com

SURVEYING:  
  
**SIERRA LAND SURVEYING, INC.**  
 1432 South St. Francis Drive Santa Fe NM 87505-9825-9937  
 CIVIL ENGINEERING  
 S: STATE OF NEW MEXICO  
 E: ENGINEER, L.L.C.  
 C: CIVIL ENGINEER, L.L.C.

SHEET NAME:  
**SITE PLAN**

PROJECT NAME:  
**ROMERO SUBDIVISION**  
**AGUA FRIA STREET**  
**SANTA FE, NEW MEXICO**

DRAWN:	
CHECKED:	
DATE:	08/18/2020
SCALE:	1"=30'
JOB NO.:	

**Final Plat  
for  
Romero Subdivision**

A certain tract of land within projected Section 27, T. 17 N., R. 9 E., N.M.P.M. within the Santa Fe Grant, City of Santa Fe, Santa Fe County New Mexico 1620 Agua Fria Street 1.476 acres±

PURPOSE STATEMENT: To create seven residential lots.

**Dedication/Affidavit**

The foregoing Land Division of Tract herein described, within the Santa Fe Grant, projected Section 27, T. 17 N., R. 9 E., N.M.P.M. within the city of Santa Fe, Santa Fe County, New Mexico and the dedication of the easements as shown hereon is made with the free consent and in accordance with the wishes of the undersigned owners.

This Land Division lies within the planning and plotting jurisdiction of the City of Santa Fe, Santa Fe County, New Mexico.

Carlos James Romero Date John Christopher Romero Date

State of New Mexico }  
County of Santa Fe }

This instrument was acknowledged before me this \_\_\_ day of \_\_\_ 2020

by: \_\_\_\_\_

Notary Public My Commission expires \_\_\_\_\_

**CITY OF SANTA FE CONDITIONS OF APPROVAL**

- A. Each lot must be served by a separate water service.
- B. Fire Department access to any new construction shall not be less than 20 feet in width or greater than a 10% grade. However, a variance to this requirement may be granted by the Fire Department if alternative fire suppression systems are provided.
- C. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
- D. All new construction shall meet the requirements of the Fire Department.

**CITY OF SANTA FE REVIEW**

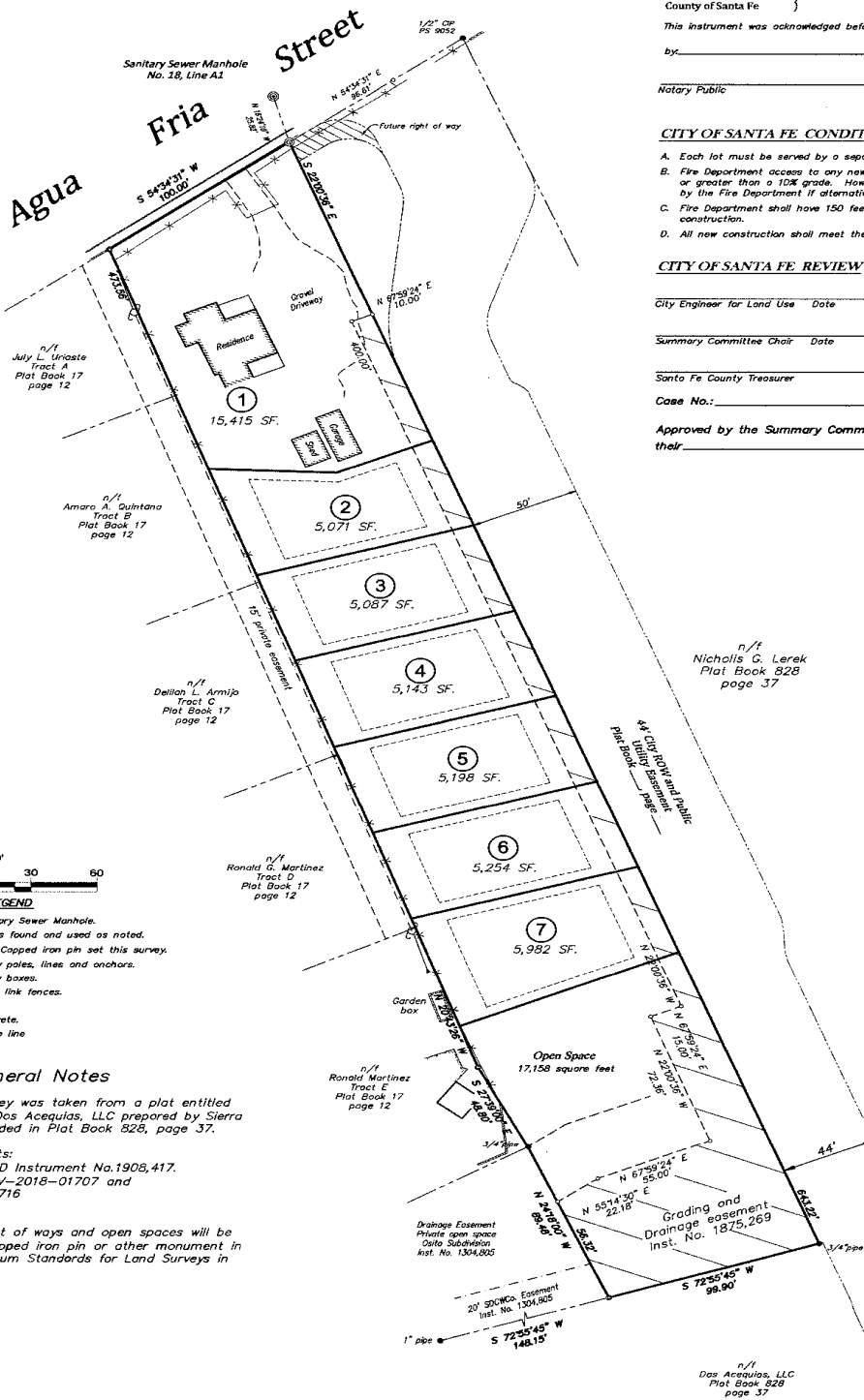
City Engineer for Land Use Date City Planner Date

Summary Committee Chair Date Summary Committee Secretary Date

Santa Fe County Treasurer Date

Case No.: \_\_\_\_\_

Approved by the Summary Committee at their \_\_\_\_\_ meeting.



SCALE: 1" = 30'  
FEET: 0 30 60  
SCALE: \_\_\_\_\_

**LEGEND**

- Sanitary Sewer Manhole.
- Points found and used as noted.
- 1/2" Capped iron pin set this survey.
- Utility poles, lines and anchors.
- Utility boxes.
- Chain link fences.
- Walls.
- Concrete.
- Phase line

**General Notes**

- 1.) Basis of bearing this survey was taken from a plat entitled "Lot Line Adjustment for Dos Acequias, LLC prepared by Sierra Land Surveying, Inc. recorded in Plat Book 828, page 37.
- 2.) Reference plats/documents:
  - a.) Basis for survey, QCD Instrument No.1908,417.
  - b.) Quiet Title D-101-CV-2018-01707 and D-101-CV-2018-01716
- 3.) All lot corners, street right of ways and open spaces will be monument with a 1/2" capped iron pin or other monument in accordance with the Minimum Standards for Land Surveys in New Mexico.

Instrument No. \_\_\_\_\_  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed for record on the \_\_\_ day of \_\_\_ A.D. 20\_\_\_ at \_\_\_ o'clock \_\_\_, and was duly recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ of the records of Santa Fe County.

Witness my Hand and Seal of Office  
County Clerk, Santa Fe County, New Mexico  
Geraldine Salazar

**CERTIFICATE**

I, David E. Cooper, a duly Licensed Professional Surveyor in the State of New Mexico hereby certify that this plat represents an actual survey Boundary Survey and report of Lot F-1, Tract A and Tract B and was made in the field by me or under my direction, that it meets the Minimum Standards for Surveys in New Mexico and that the information contained herein is true and correct to the best of my knowledge, information and belief.

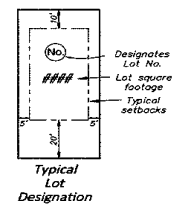
**FOR REVIEW**

David E. Cooper

P.S. No. 8032

Deputy

**Street Frontage**

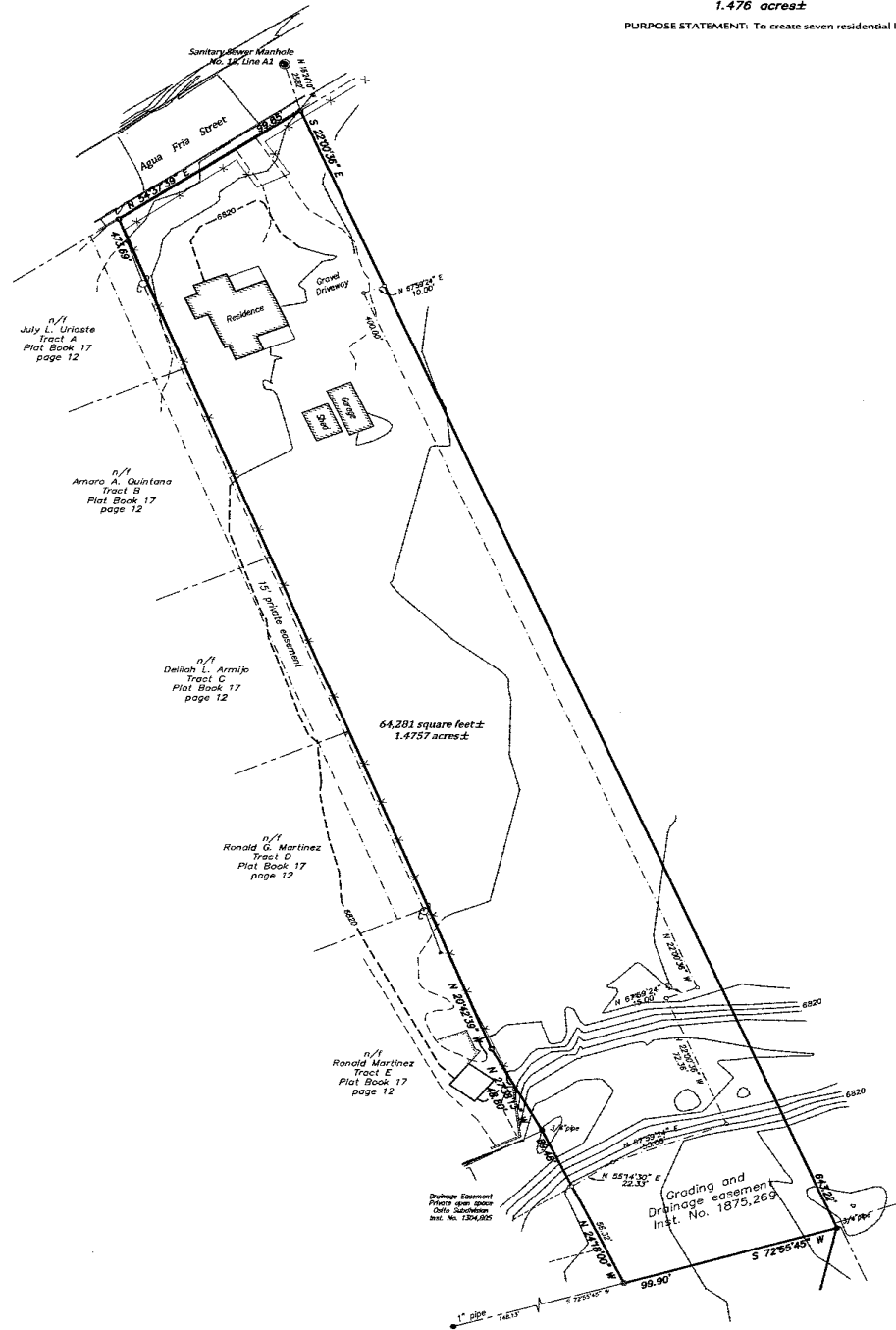


<b>SIERRA LAND SURVEYING, INC.</b>		
1452 South St. Francis Drive	Santa Fe NM	505-983-5932
Project No. D-840-0620	Dwg. DEC	Ck. DTC
	File:	Bk. 120
<b>INDEXING INFORMATION FOR COUNTY CLERK</b>		
NAME	LOCATION	SUBDIVISION
John J. Romero	Proj. Sec. 27, T17N, R9E, N1/2, S4	Romero
Carlos J. Romero	Proj. Sec. 27, T17N, R9E, N1/2, S4	Romero
UPC No. 1-062-098-308-266		Page 2 of 2

# Supplemental Topographic Survey for Romero Subdivision

A certain tract of land within  
projected Section 27, T. 17 N., R. 9 E., N.M.P.M.  
within the Santa Fe Grant,  
City of Santa Fe, Santa Fe County New Mexico  
1620 Agua Fria Street  
1.476 acres±

PURPOSE STATEMENT: To create seven residential lots.



SCALE: 1" = 30'  
FEET: 0 30 60  
SCALE:

- LEGEND**
- Points found and used as noted.
  - Utility boxes.
  - Larry Medrano contours.
  - - - Supplemental contours prepared this survey.

**NOTES**

- 1.) Basis for this survey was taken from a survey taken from the Romero Subdivision prepared by Sierra Land Surveying, Inc. (Preliminary).
- 2.) Reference Datum: Topographic Survey prepared by Larry Medrano, July 2018 project No. 18-1061P. Project Benchmark, U.S. Indian School Tract Brass Cap AP 10, Elev. 6816.5'

**THIS IS NOT A BOUNDARY SURVEY, APPARENT PROPERTY CORNERS ARE SHOWN FOR ORIENTATION ONLY. BOUNDARY DATA IS FROM PREVIOUS SURVEYS REFERENCED HEREON.**

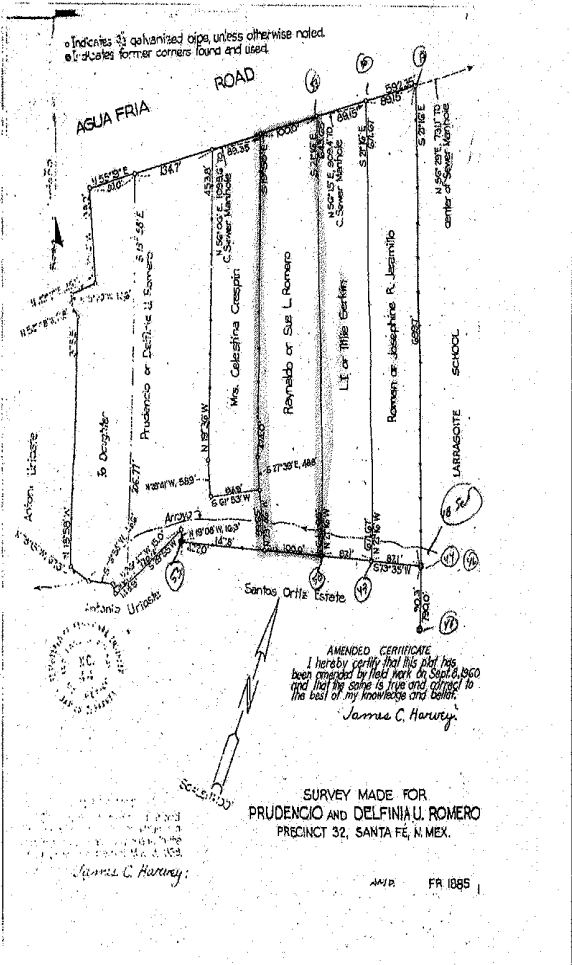
**CERTIFICATE**

I, David E. Cooper, a duly registered Professional Surveyor in the State of New Mexico hereby certify that this plat represents an actual survey made in the field by me or under my direction, that it meets the Minimum Standards for Surveys in New Mexico and that the information contained herein is true and correct to the best of my knowledge, information and belief. This is a Supplemental Topographic Survey showing additional contour data to the west of the Romero Subdivision.



*David E. Cooper* August 15, 2020  
David E. Cooper P.S. No. 9052

SIERRA LAND SURVEYING, INC.		
1452 South St. Francis Drive	SANTA FE, NM	505-983-5932
Project No. T-840-0820	Drawn: DEC	Checked: DTC
	File: gps	Block: 105



o Indicates old unmarked pipe, unless otherwise noted.  
 o Indicates former corners found and used.

AGUA FRIA ROAD

Antonio Urzabete  
 Antonio Urzabete  
 Antonio Urzabete  
 Prudencio or Delfina U. Romero  
 Mrs. Calistina Crespin  
 Reynaldo or Sus L. Romero  
 L.F. or Willis Barker  
 Roman or Josephine R. Jaramila  
 LARRAGOTTE SCHOOL  
 Santos Ortiz  
 Santos Ortiz Estate

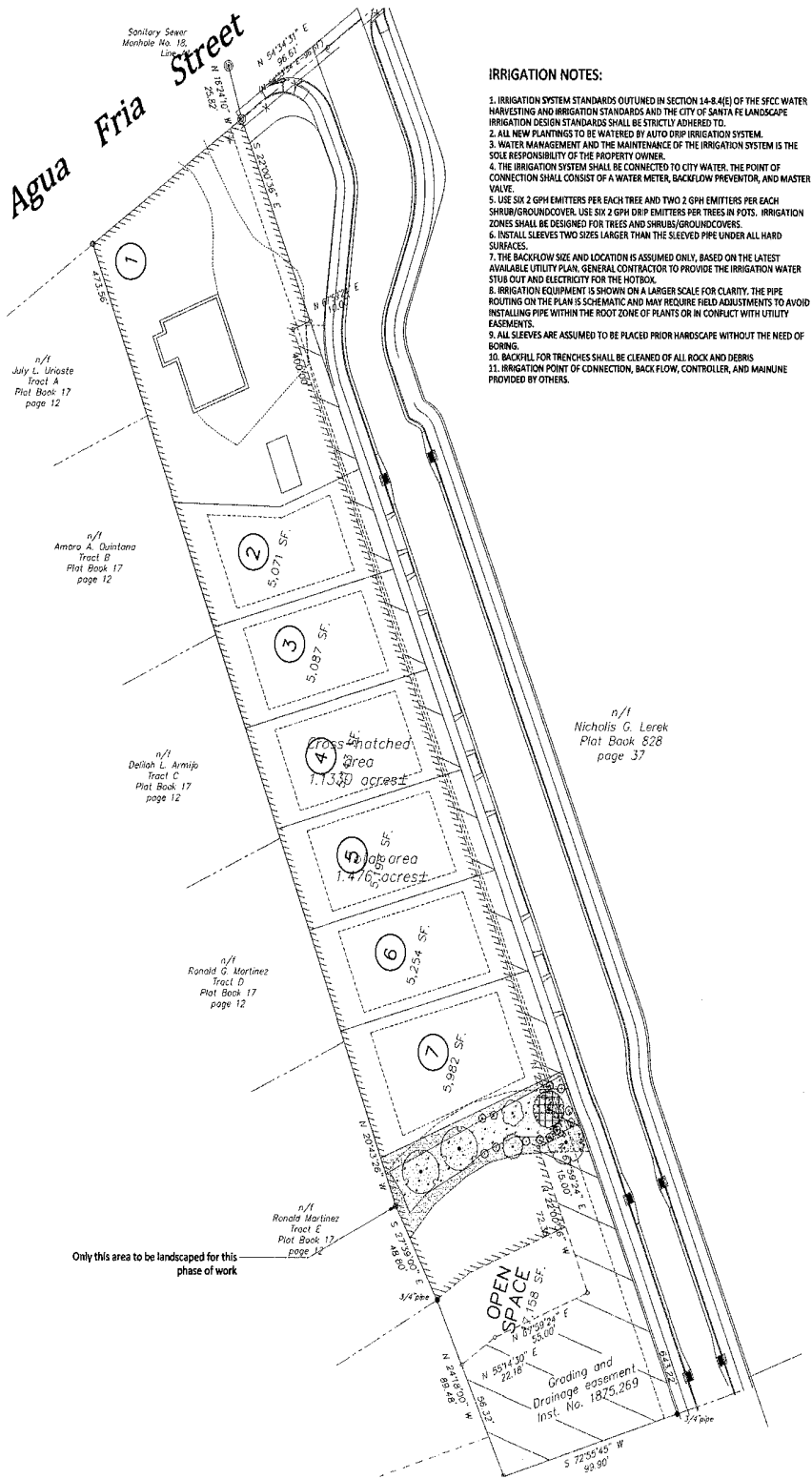


AMENDED CERTIFICATE  
 I hereby certify that this plat has  
 been prepared by the party in Sheet 2, 1880  
 and that the same is true and correct to  
 the best of my knowledge and belief.  
 James C. Harvey.

SURVEY MADE FOR  
 PRUDENCIO AND DELFINIA U. ROMERO  
 PRECINCT 32, SANTA FE, N. MEX.

James C. Harvey

APR. FR 1885



- IRRIGATION NOTES:**
- IRRIGATION SYSTEM STANDARDS OUTLINED IN SECTION 1A-B 4(E) OF THE SPEC WATER HARVESTING AND IRRIGATION STANDARDS AND THE CITY OF SANTA FE LANDSCAPE IRRIGATION DESIGN STANDARDS SHALL BE STRICTLY ADHERED TO.
  - ALL NEW PLANTINGS TO BE WATERED BY AUTO DRIP IRRIGATION SYSTEM.
  - WATER MANAGEMENT AND THE MAINTENANCE OF THE IRRIGATION SYSTEM IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER.
  - THE IRRIGATION SYSTEM SHALL BE CONNECTED TO CITY WATER. THE POINT OF CONNECTION SHALL CONSIST OF A WATER METER, BACKFLOW PREVENTOR, AND MASTER VALVE.
  - USE SIX 2 GPH EMITTERS PER EACH TREE AND TWO 2 GPH EMITTERS PER EACH SHRUB/GROUNDCOVER. USE SIX 2 GPH DRIP EMITTERS PER TREES IN POTS. IRRIGATION ZONES SHALL BE DESIGNED FOR TREES AND SHRUBS/GROUNDCOVERS.
  - INSTALL SLEEVES TWO SIZES LARGER THAN THE SLEEVED PIPE UNDER ALL HARD SURFACES.
  - THE BACKFLOW SIZE AND LOCATION IS ASSUMED ONLY, BASED ON THE LATEST AVAILABLE UTILITY PLAN. GENERAL CONTRACTOR TO PROVIDE THE IRRIGATION WATER STOP OUT AND ELECTRICITY FOR THE HOTBOX.
  - IRRIGATION EQUIPMENT IS SHOWN ON A LARGER SCALE FOR CLARITY. THE PIPE ROUTING ON THE PLAN IS SCHEMATIC AND MAY REQUIRE FIELD ADJUSTMENTS TO AVOID INSTALLING PIPE WITHIN THE ROOT ZONE OF PLANTS OR IN CONFLICT WITH UTILITY EASEMENTS.
  - ALL SLEEVES ARE ASSUMED TO BE PLACED PRIOR HARDCAPE WITHOUT THE NEED OF BORING.
  - BACKFILL FOR TRENCHES SHALL BE CLEANED OF ALL ROCK AND DEBRIS
  - IRRIGATION POINT OF CONNECTION, BACK FLOW, CONTROLLER, AND MAINLINE PROVIDED BY OTHERS.

**PLANT SCHEDULE AREA**

DEBUIOUS TREES	QTY	BOTANICAL / COMMON NAME	SIZE
1	1	Malus x 'Spring Snow' / Spring Snow Crabapple	2" BAB
OVERGREEN TREES <th>QTY</th> <th>BOTANICAL / COMMON NAME</th> <th>SIZE</th>	QTY	BOTANICAL / COMMON NAME	SIZE
1	1	Pinus edulis / Pinal Pine	6"
PONDING AREA TREES <th>QTY</th> <th>BOTANICAL / COMMON NAME</th> <th>SIZE</th>	QTY	BOTANICAL / COMMON NAME	SIZE
1	1	Forestiera neomexicana / New Mexican Privet	15 gal
1	1	Juniperus scopulorum / Rocky Mountain Juniper	15 gal
2	2	Populus x canadensis / Lanceleaf Poplar	2" BAB
GRASSES	QTY	BOTANICAL / COMMON NAME	SIZE
4	4	Halicotriehon temperans / Blue Owl Grass	5 gal
PONDING AREA SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE
4	4	Eriocaulon nudosum / Choniso	5 gal
4	4	Rhus trilobata / Three Leaf Sumac	5 gal
4	4	Sala erigua / Coyote Willow	5 gal

**REFERENCE NOTES SCHEDULE**

SYMBOL	DESCRIPTION	QTY	DETAIL
[Symbol]	7/8" Santa Fe Brown Gravel With Weed Barrier Cloth	1,406 sf	
[Symbol]	2-4" Aggregate With Weed Barrier Cloth	1,846 sf	

**LANDSCAPE DATA**

REQUIRED OPEN SPACE	25% OF TOTAL LOT AREA (1.48 AC/84,307 SF)	16,077 SF
EXISTING OPEN SPACE		13,083 SF
PROPOSED OPEN SPACE		3,252 SF
REQUIRED TREES/OPEN SPACE	ONE TREE PER 500 SF OF REQUIRED OPEN SPACE (3,252 SF / 500 SF = 6.504 TREES)	2
PROPOSED TREES		2
REQUIRED SHRUBS/OPEN SPACE	TWO SHRUBS PER 500 SF OF REQUIRED OPEN SPACE	4
PROPOSED SHRUBS		4
OPEN SPACE REQUIREMENTS	MINIMUM 10' DIMENSION	
MINIMUM 300 SF		
REQUIRED TREES/PONDING AREA	ONE TREE PER 500 SF OF PONDING AREA (1,846 SF / 500 SF)	4
PROPOSED TREES		4
REQUIRED SHRUBS/PONDING AREA	THREE SHRUBS PER 500 SF OF PONDING AREA	12
PROPOSED SHRUBS		12
TOTAL REQUIRED SHRUBS/GAL		16
TOTAL PROPOSED SHRUBS/GAL	(including evergreen and deciduous)	16
TOTAL REQUIRED TREES/2" CAL. DR 6 HT.		6
TOTAL PROPOSED TREES/2" CAL. DR 6 HT.	(including evergreen and deciduous)	6

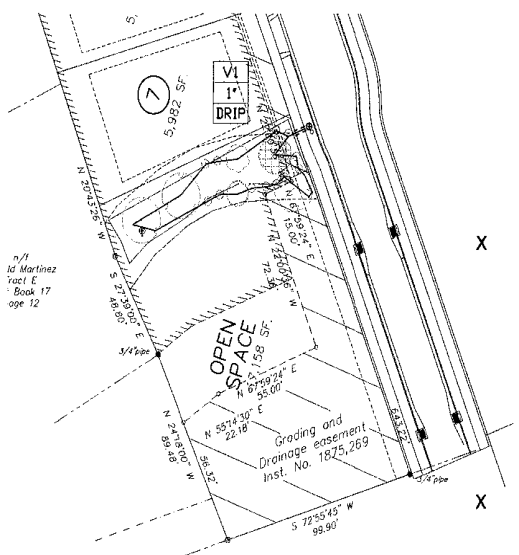
**WATER BUDGET**

**YEAR 1 AND 2**  
 DRIP IRRIGATION TO TREES AND SHRUBS  
 4 MONTHS AT 1 RUN TIME PER MONTH  
 4 MONTHS AT 1 RUN TIME PER WEEK  
 4 MONTHS AT 4 RUN TIMES PER WEEK  
 APPROX. 80 RUN CYCLES PER YEAR  
 8 TREES/38 GALLONS PER RUN CYCLE  
 16 SHRUBS/32 GALLONS PER RUN CYCLE  
 66 GALLONS PER RUN CYCLE X 90 RUN TIMES=6,120 GPY/0.019 ACRE FT.

**YEAR 3 AND BEYOND**  
 DRIP IRRIGATION TO TREES AND SHRUBS  
 4 MONTHS AT 1 RUN TIME PER MONTH  
 4 MONTHS AT 1 RUN TIME PER WEEK  
 4 MONTHS AT 3 RUN TIMES PER WEEK  
 APPROX. 17 RUN CYCLES PER YEAR  
 8 TREES/38 GALLONS PER RUN CYCLE  
 16 SHRUBS/32 GALLONS PER RUN CYCLE  
 66 GALLONS PER RUN CYCLE X 17 RUN TIMES=5,286 GPY/0.016 ACRE FT.

**LANDSCAPE NOTES**

PLANTING BEDS TO BE MULCHED WITH GRAVEL MULCH AT 2"-3" DEPTH OVER FILTER FABRIC  
 PLANTINGS TO BE WATERED WITH AN AUTOMATIC DRIP IRRIGATION SYSTEM  
 BACKFLOW PREVENTER IS PROPOSED/SEE IRRIGATION PLAN  
 PONDING AREAS ARE APPROXIMATE. PLEASE REFER TO GRADING & DRAINAGE PLAN FOR EXACT INFORMATION.  
 PLANTS LOCATED IN BOTTOM THIRD OF POND AREAS ARE ADAPTABLE TO PERIODS OF SUBMERSION.  
 THIS LANDSCAPE PLAN WILL INCORPORATE ANY PASSIVE WATER HARVESTING TECHNIQUES FOR LANDSCAPE IRRIGATION PURPOSES AS PROPOSED BY THE GRADING AND DRAINAGE PLAN. WHENEVER POSSIBLE, DETENTION AND RETENTION PONDS WILL BE TREATED AS AN INTEGRATED LANDSCAPE FEATURE RATHER THAN A SINGLE PURPOSE FLOOD CONTROL POND.



**IRRIGATION LEGEND**

Symbol	Item / Description	Manufacturer / Model	Size
[Symbol]	Automatic Drip Valve with pressure regulating filter in valve box	Rainbird PEB P100-100-RBY Carson 1415	1"
[Symbol]	Poly Drip Line w/ Flush Cap	Agrippa TAE	3/4" 2 GPH
[Symbol]	New PVC Sleeve	Class 200	2" min.
[Symbol]	Valve Sequence		
[Symbol]	Valve Size		
[Symbol]	Valve Type		

**Valve Schedule**

Valve 1	2.27 gpm
---------	----------

**YELLOWSTONE**  
 www.yellowstonelandscape.com  
 PO Box 10597  
 Albuquerque, NM 87184  
 505.898.9615  
 design@yellowstonelandscape.com

Date: 8/13/2020  
 Revisions:  
 8/14/2020  
 Drawn by: PL  
 Reviewed by: CM

Romero Property  
 Santa Fe, New Mexico

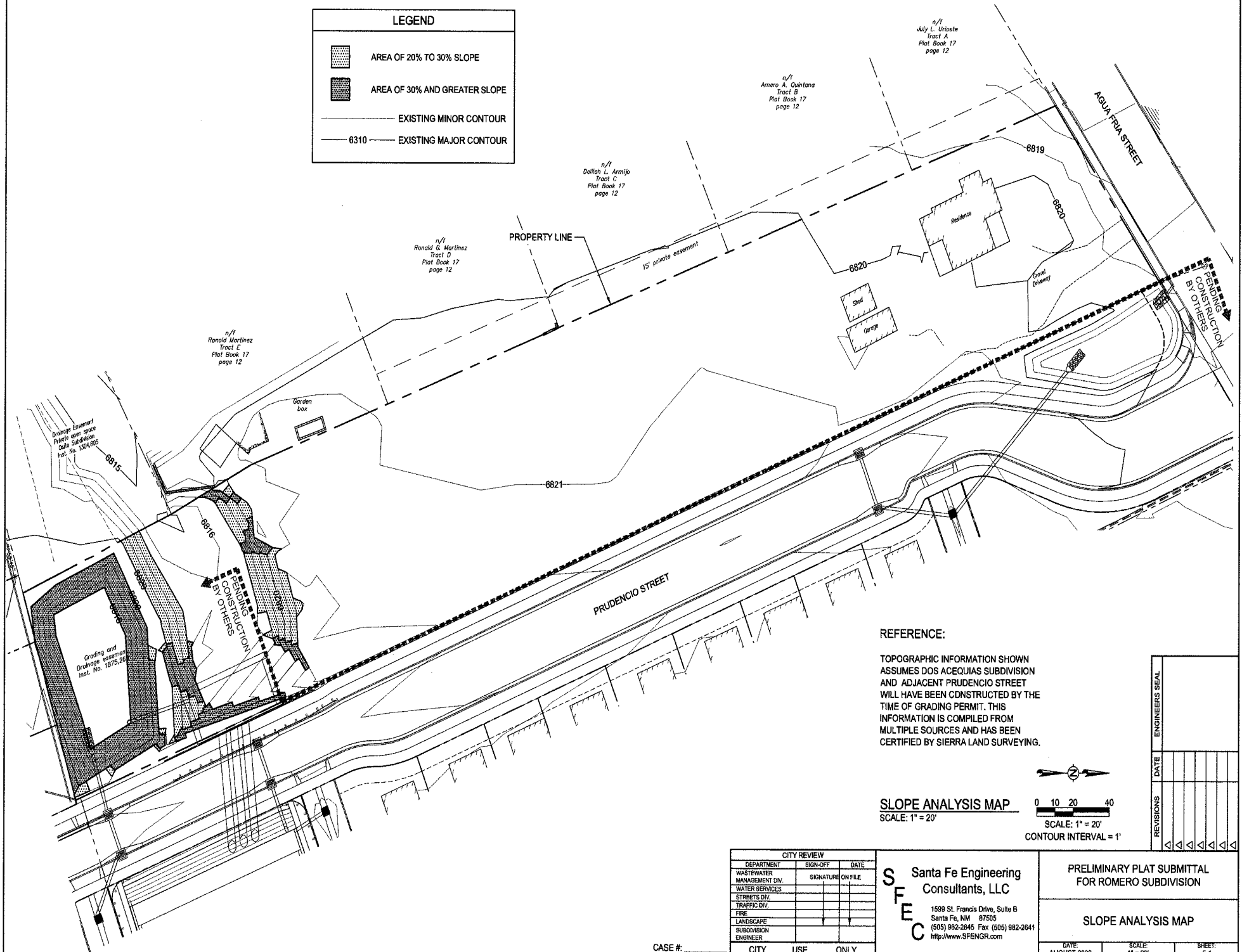
NORTH  
 Scale: 1" = 30'  
 15 0 30 60

Sheet Title:  
**Landscape and Irrigation Plan**

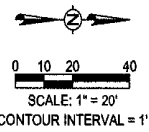
Sheet Number:

**4-1**

LEGEND	
	AREA OF 20% TO 30% SLOPE
	AREA OF 30% AND GREATER SLOPE
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR



REFERENCE:  
 TOPOGRAPHIC INFORMATION SHOWN ASSUMES DOS ACEQUIAS SUBDIVISION AND ADJACENT PRUDENCIO STREET WILL HAVE BEEN CONSTRUCTED BY THE TIME OF GRADING PERMIT. THIS INFORMATION IS COMPILED FROM MULTIPLE SOURCES AND HAS BEEN CERTIFIED BY SIERRA LAND SURVEYING.



**SLOPE ANALYSIS MAP**  
 SCALE: 1" = 20'

ENGINEER'S SEAL	
DATE	
REVISIONS	

CASE #:

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE	ON FILE
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

**SFE C** Santa Fe Engineering Consultants, LLC  
 1598 St. Francis Drive, Suite B  
 Santa Fe, NM 87505  
 (505) 992-2645 Fax: (505) 992-2641  
 http://www.SFENGR.com

PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION

**SLOPE ANALYSIS MAP**

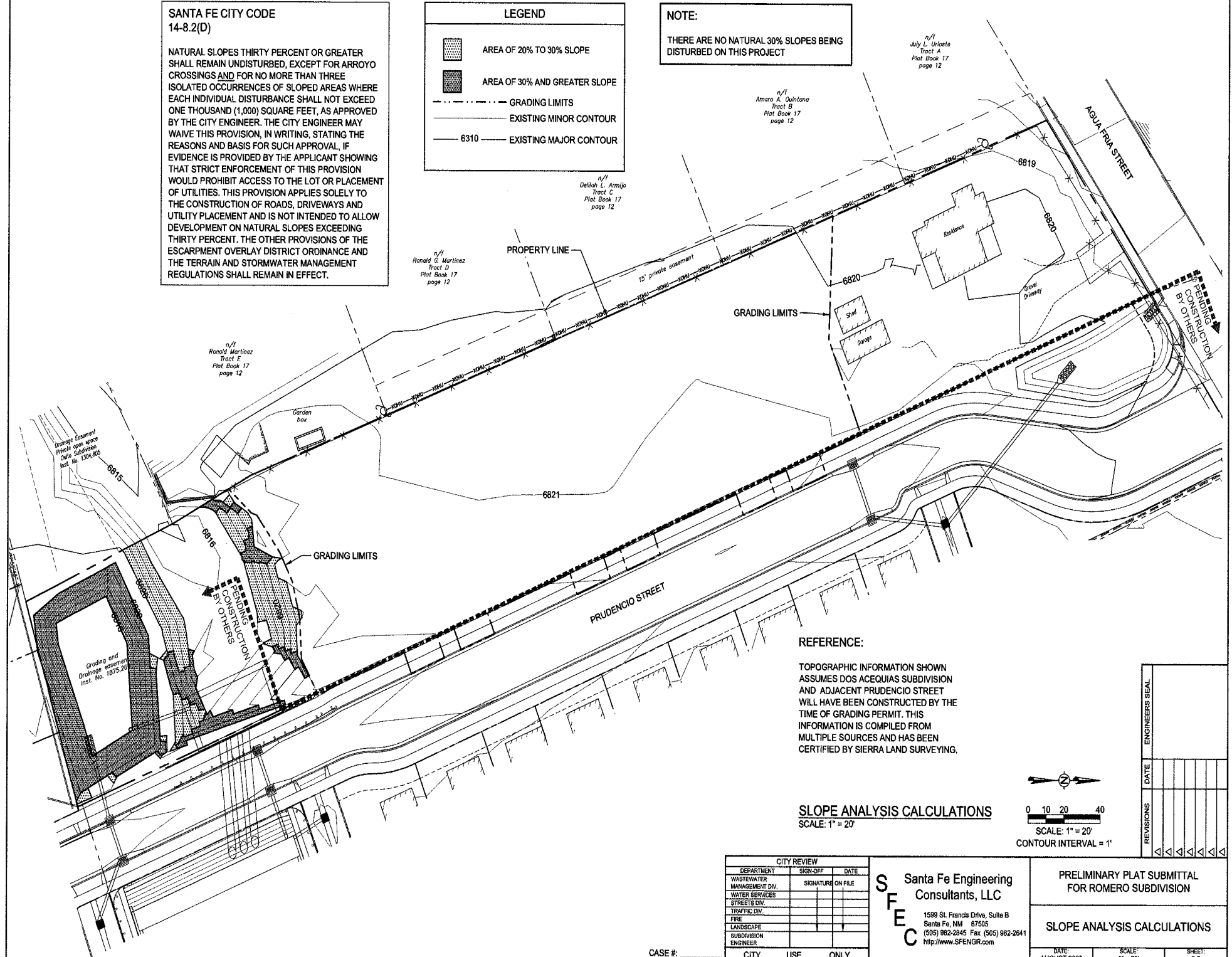
DATE:	SCALE:	SHEET:
AUGUST 2020	1" = 20'	5-1

**SANTA FE CITY CODE  
14-8.2(D)**

NATURAL SLOPES THIRTY PERCENT OR GREATER SHALL REMAIN UNDISTURBED, EXCEPT FOR ARROYO CROSSINGS AND FOR NO MORE THAN THREE ISOLATED OCCURRENCES OF SLOPED AREAS WHERE EACH INDIVIDUAL DISTURBANCE SHALL NOT EXCEED ONE THOUSAND (1,000) SQUARE FEET, AS APPROVED BY THE CITY ENGINEER. THE CITY ENGINEER MAY WAIVE THIS PROVISION, IN WRITING, STATING THE REASONS AND BASIS FOR SUCH APPROVAL, IF EVIDENCE IS PROVIDED BY THE APPLICANT SHOWING THAT STRICT ENFORCEMENT OF THIS PROVISION WOULD PROHIBIT ACCESS TO THE LOT OR PLACEMENT OF UTILITIES. THIS PROVISION APPLIES SOLELY TO THE CONSTRUCTION OF ROADS, DRIVEWAYS AND UTILITY PLACEMENT AND IS NOT INTENDED TO ALLOW DEVELOPMENT ON NATURAL SLOPES EXCEEDING THIRTY PERCENT. THE OTHER PROVISIONS OF THE ESCARPMENT OVERLAY DISTRICT ORDINANCE AND THE TERRAIN AND STORMWATER MANAGEMENT REGULATIONS SHALL REMAIN IN EFFECT.

LEGEND	
	AREA OF 20% TO 30% SLOPE
	AREA OF 30% AND GREATER SLOPE
	GRADING LIMITS
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR

**NOTE:**  
THERE ARE NO NATURAL 30% SLOPES BEING DISTURBED ON THIS PROJECT



n//  
Deliah L. Armijo  
Tract C  
Plat Book 17  
page 12

n//  
Ronald G. Martinez  
Tract D  
Plat Book 17  
page 12

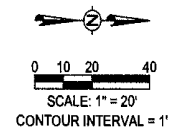
n//  
Ronald G. Martinez  
Tract E  
Plat Book 17  
page 12

Drainage Easement  
Plat No. 1394, 805  
Defn. Subdivision  
Inst. No. 1875, 26

Grading and  
Drainage easement  
Inst. No. 1875, 26

**REFERENCE:**  
TOPOGRAPHIC INFORMATION SHOWN ASSUMES DOS ACEQUIAS SUBDIVISION AND ADJACENT PRUDENCIO STREET WILL HAVE BEEN CONSTRUCTED BY THE TIME OF GRADING PERMIT. THIS INFORMATION IS COMPILED FROM MULTIPLE SOURCES AND HAS BEEN CERTIFIED BY SIERRA LAND SURVEYING.

**SLOPE ANALYSIS CALCULATIONS**  
SCALE: 1" = 20'



ENGINEER'S SEAL	
DATE	
REVISIONS	

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE ON FILE	
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

**SFE C** Santa Fe Engineering Consultants, LLC  
1599 St. Francis Drive, Suite B  
Santa Fe, NM 87505  
(505) 982-2845 Fax: (505) 982-2841  
http://www.SFENGR.com

PRELIMINARY PLAT SUBMITTAL  
FOR ROMERO SUBDIVISION

**SLOPE ANALYSIS CALCULATIONS**  
DATE: AUGUST 2020 SCALE: 1" = 20' SHEET: 5-2

CASE #:

**CITY OF SANTA FE PUBLIC INFRASTRUCTURE GENERAL CONSTRUCTION NOTES**

1. All construction shall conform to the requirements of City of Santa Fe Standard Drawings and Specifications as applicable.
2. Utility construction shall conform to applicable sections of the APWA's "New Mexico Standard Specifications for Public Works Construction, 2006 edition including latest published amendments.
3. Infrastructure construction shall conform to applicable sections of the New Mexico Department of Transportation's "Standard Specifications for Highway and Bridge Construction, Current Edition (SSHBC).
4. The order of precedence shall be, listed in order of highest precedence, the project specifications, plans, City of Santa Fe Standard Drawings, SSHBC, and APWA.
5. In the case of conflicts between plans and specifications resolution shall be by using the more restrictive requirement as determined by the project engineer and approved by the City.
6. The project plans shall be approved for construction by the City prior to any construction activity and scheduling a pre-construction meeting.
7. The construction Project Engineer shall be a New Mexico licensed Professional Engineer in the appropriate category for the type of work represented by the project plans. The Project Engineer shall arrange for a pre-construction meeting prior to the start of construction or mobilization of equipment on-site and after receipt of the financial guaranty. At the pre-construction meeting, the Project Engineer shall submit a letter providing the name(s) of specific individuals who will be performing what type of inspections and respective telephone contact number(s); this includes preparation of the record drawings. The pre-construction meeting shall be scheduled a minimum of 10 calendar days in advance of the meeting date.
8. Attendance at the pre-construction meeting is mandatory.
9. The Contractor shall provide a list of contact personnel responsible for site construction including position, telephone numbers, and at least one emergency telephone number active on a 24 hour basis.
10. If an EPA Notice of Intent (NOI) is applicable, a copy of the mailed permit application shall be presented at the pre-construction meeting along with a written statement giving the mailing date.
11. The Contractor shall be responsible for maintaining the integrity of all underground utilities during the course of work regardless of any location shown on the plans or other field evidence, or lack thereof. Notification to New Mexico One Call at 1-800-321-2537 for utility locates a minimum of 48 hours in advance of any excavation is required. Maintenance of utility locates shall be continued throughout the project life.
12. The Owner shall be responsible for all changes in construction deemed necessary for any reason and shall have appropriate plans and/or specifications, including applicable design criteria, prepared by a New Mexico Professional Engineer and submitted to the City for approval. Upon approval, said changes may be incorporated into the project.
13. Final Record Drawings, reflecting substantial changes to the original design drawings, shall be submitted by the Contractor's Surveyor for approval to the Engineer. Said plans shall be approved by applicable City Divisions prior to final acceptance of project work for maintenance responsibility and the beginning of the warranty period. Under no circumstances will partial acceptance and/or warranty commencement begin for any component of project scope be provided.
14. All Contractor work activity shall be confined to the construction limits of the project. There shall be no encroachment onto adjacent properties, either construction or marshaling yard(s) unless legal easements(s)/agreement(s) is/are executed and approved by the Engineering Supervisor.
15. Grading shall be completed under the authority of a Building Permit, the application of which shall show the type of work as "Other" with the notation of Grading, Landscaping, and infrastructure shown thereon. Call 505-955-6945 for permit information.
16. All cut and fill slopes, including setback requirements, shall conform to the requirements of:
  - a. Santa Fe City Code's Article 14-8 (Development and Design Standards);
  - b. Chapter 33 of the Uniform Building Code, 1997 edition unless otherwise noted on the approved construction plans; and
  - c. In the case of conflict between these two specifications, City Code shall prevail.
17. The Contractor is responsible for any damage caused by construction activities to public or private property, including utilities.
18. Material quality testing shall be completed by the Contractor, through a recognized testing laboratory. The laboratory shall be under the auspices of a New Mexico Professional Engineer.
19. All material quality test reports shall be provided directly to the City Planning Department, attention Permits and Development Review Division at P.O. Box 909, Santa Fe, New Mexico 87504-0909 within seven (7) calendar days after laboratory material testing is complete unless otherwise directed during the pre-construction meeting. Field test reports shall be provided directly to the P&DR staff at the time of field testing. In the case of P&DR staff absence, the reports shall be Fax'ed to 505-955-6829. In each case, all test reports and other communication shall carry the applicable P&DR Case and Building Permit project numbers which will be provided at the pre-construction meeting if not noted on the approved project plans.
20. Compaction testing of soil and similar materials, including optimum moisture-density relationships, shall be performed in accordance with the referenced specifications and/or plans. Unless specified in individual project plans, the frequency of compaction testing shall be one (1) test per 1.5 vertical feet of fill or backfill of similar material; within two (2) horizontal feet of structures; for each 500 linear feet of trench backfill or each days compactive effort, whichever results in the greatest quantity of tests; or for each 500 cubic yards of fill of similar material; or as directed by the Engineer.
21. Portland cement concrete (Pcc) proposed to be used for the project shall conform to a mix design prepared by a New Mexico Professional Engineer. The design shall be provided to P&DR staff for approval a minimum of 14 calendar days prior to scheduling the initial casting operation or, alternatively, the project plans shall define a specific mix having a prior approval by P&DR. Each mix shall have the following minimum properties:
  - a. Compressive strength of 4,000 psi in 28 calendar days
  - b. Seven (7.0) bags of cementitious material per cubic yard of concrete
  - c. Twenty (20.0) percent or less of flyash material substitution for cement
  - d. Maximum aggregate size of 3/4"
  - e. Air entrainment content ranging between 4.0 and 7.0 percent at the point of concrete delivery into forms
22. Concrete sample set shall consist of a minimum of three (3) cylinders. One sample set shall be obtained for each 500 linear feet cast, 50 cast cubic yards, or one (1) set per calendar day, whichever is greatest; or as directed by the Engineer. Cylinders shall be tested at 7, 28, and 56 day intervals; the 56 day interval need not be tested if any previous test result exceeds the design value.
23. Traffic control devices, as per approved plan, shall be installed, maintained, and removed by the Contractor. Said devices shall conform to the latest published edition of the Manual of Uniform Traffic Control Devices and to written directions from the City Traffic Engineer who may be reached at 505-955-6631.
24. Site erosion and/or sediment control, as per approved plan, shall be installed, maintained, and removed by the Contractor. The Contractor's attention is directed to the SSHBC's Section 603 for other requirements relating to dust abatement and similar issues.
25. Utility lines must be bored under all existing street Pcc street appurtenances. A minimum of 12" separation must be maintained between utility lines. Any curb, gutter, or other damage must be repaired before final inspection will be given.
26. Each City utility division shall provide a letter of completed installation, not necessarily accepted for warranty, at the Contractor's request. Said letters shall be provided to the P&DR staff and received written staff acceptance prior to scheduling either TV inspection of SAS; and Storm Sewer lines or placement of roadway pavement material.
27. ASTM, ASHTO, or independent laboratory certificates of material compliance are to be provided to P&DR staff prior to bringing applicable material on site.
28. Aggregate base course material shall conform to the SSHBC's Section 303 using Gradation I.
29. Hot Mix Asphalt (HMA) proposed to be used for the project shall conform to a mix design prepared by a New Mexico Professional Engineer conforming to SSHBC's Section 423 using Aggregated Classification(s) called for in the project plans. The design shall be provided to

- P&DR staff for approval a minimum of 14 calendar days prior to scheduling the initial paving operation or, alternatively, the project plans shall define a specific mix having a prior approval by P&DR.
30. Compaction testing of subgrade, aggregate base course, and each lift of HMA material shall be completed for every 100 linear feet of roadway length excepting for HMA material in which case provide one (1) test for every 100 linear feet of laydown machine pass; or as directed by the Engineer.
31. HMA material quality test samples (wet) shall be obtained and tested for every 500 tons or fraction thereof or one (1) sample per day.
32. Utility appurtenance such as telephone pedestals, electrical transformers, gas, and cable TV pedestals shall be placed outside the public right-of-way and within utility easements. The Owner is responsible for relocating mis-placed utility structures prior to requesting a pre-final inspection. Water meter boxes and fire hydrants may be placed between the sidewalk and curb. Water valve and meter boxes are not to be placed within maintenance areas of semi-improved (gravel or equal) roads.
33. Construction debris and/or excess material shall be stored in an on-site area and appropriately contained. Said debris shall not be a nuisance to the surrounding neighborhood. Disposal of debris shall be either within the city limits under separate grading permit or at a designated NMED approved disposal site. The Contractor shall provide written notice as to proposed debris disposal site location(s). All debris and/or excess material shall be removed from the site prior to scheduling a pre-final inspection with P&DR staff.
34. Interim terrain and stormwater management inspections shall be arranged for at the following events:
  - a. Completion of temporary erosion control best management installations and prior to any earthwork (clearing, grubbing, etc.)
  - b. Final stormwater management features are constructed
  - c. Final site restoration measures are completed
  - d. Further construction or issuance of any permit(s) shall not occur until written approval by P&DR staff for each of the above inspections has been obtained. Inspections shall be scheduled by calling 505-955-6646.
35. The Contractor shall make written request for a pre-final inspection of terrain management and infrastructure works a minimum of 14 calendar days in advance with P&DR staff. At this inspection, applicable city division staff will review the final work product. Any deficiencies will be noted in a "punchlist" and provided to the Contractor for correction. When all punchlist items are completed the Contractor shall file a written statement to that effect and a final inspection will be held by P&DR staff. Upon acceptance, an acceptance letter will be provided wherein all work will be accepted for maintenance by the City and the commencement of the warranty period initiated.
36. All surveys to be performed under the supervision of a Professional Land Surveyor, licensed in the State of New Mexico.
37. ADA compliance: The contractor shall ensure ADA compliance for construction of ADA features and appurtenances (including, but not limited to, sidewalk & curb ramp cross slopes, ramp slopes, level landings, etc.) as detailed in the plans and in accordance with referenced standard drawings, specifications and current public right of way accessibility guidelines. The contractor is responsible for field checking slopes and dimensions of all form work for compliance prior to installation of concrete. The City reserves the right to inspect any ADA features and appurtenances at any time before final completion of the project and to have the contractor remove, replace, and/or correct any work at his cost that is not in compliance, as determined by the project manager.

**ADDITIONAL CONSTRUCTION NOTES**

1. The contractor's surveyor shall coordinate with Sierra Land Surveying, Inc. The contractor's surveyor shall verify proposed grades, invert elevations, Flow lines, Alignments, Property lines, Right of Way, Setbacks, and topography Prior to construction. Any deviations shall be reported to the engineer.
2. The contractor shall maintain existing fencing, or build new fencing to ensure that the site is secure at all times.
3. It is solely the contractor's responsibility to ensure OSHA requirements and to maintain a safe working condition.
4. Santa Fe Engineering Consultants, LLC, waives any and all responsibility and is not liable for problems which arise from failure to follow these plans, Specifications and the design intent they convey or for problems which arise from failure to obtain and/or follow SFEC guidance with respect to any errors, omissions, inconsistencies, ambiguities or conflicts.
5. Television inspection to be provided by private contractor, not the City.
6. Pot holing, construction water, T.V. inspections, flushing and cleaning of sanitary sewer lines or storm sewers are incidental to the work and no separate payment will be made.
7. The existing utility locations shown on these plans have been compiled from multiple sources, including utility locates, and field surveys. It is the contractor's responsibility to verify and pothole any potential utility conflicts. The contractor is responsible for any damage caused by construction activities to public or private property, including utilities.
8. The contractor shall maintain an up to date set of as-built plans for the project. These plans shall be kept current, within two weeks, at all times and shall be subject to review by the project manager throughout the project and will be reviewed by the project manager for accuracy and completeness at least once every 30 days. Upon 50% completion of the project, the contractor shall submit progress as-built plans to the project manager for review. The final as-built plans bearing the signed seal and certification of the contractor's surveyor shall be submitted to the project manager prior to any final payment. This work is considered incidental to completion of the project and no measurement or payment shall be made.

CASE #:

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE ON FILE	
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

**SFE C**

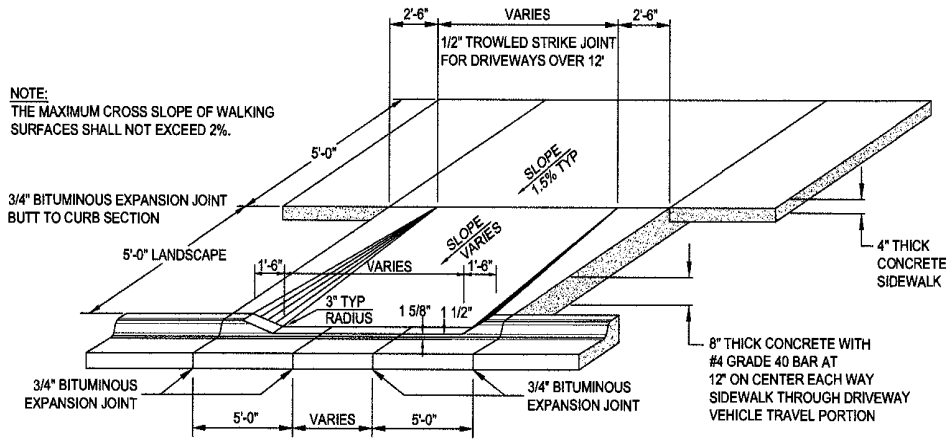
**Santa Fe Engineering Consultants, LLC**  
 1599 St. Francis Drive, Suite B  
 Santa Fe, NM 87505  
 (505) 952-2945 Fax (505) 952-2641  
 http://www.SFENGR.com

**PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION**

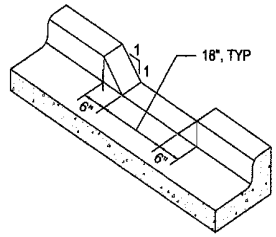
**GENERAL NOTES**

DATE: AUGUST 2020	SCALE: N.T.S.	SHEET: 6-1
----------------------	------------------	---------------

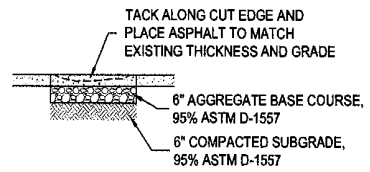
ENGINEER'S SEAL	
REVISIONS	
DATE	



TYPICAL DRIVEWAY DETAIL



CURB CUT DETAIL



TYPICAL PAVEMENT PATCHING DETAIL

ENGINEERS SEAL	
DATE	
REVISIONS	

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE ON FILE	
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE ONLY	

**SFE C** Santa Fe Engineering Consultants, LLC

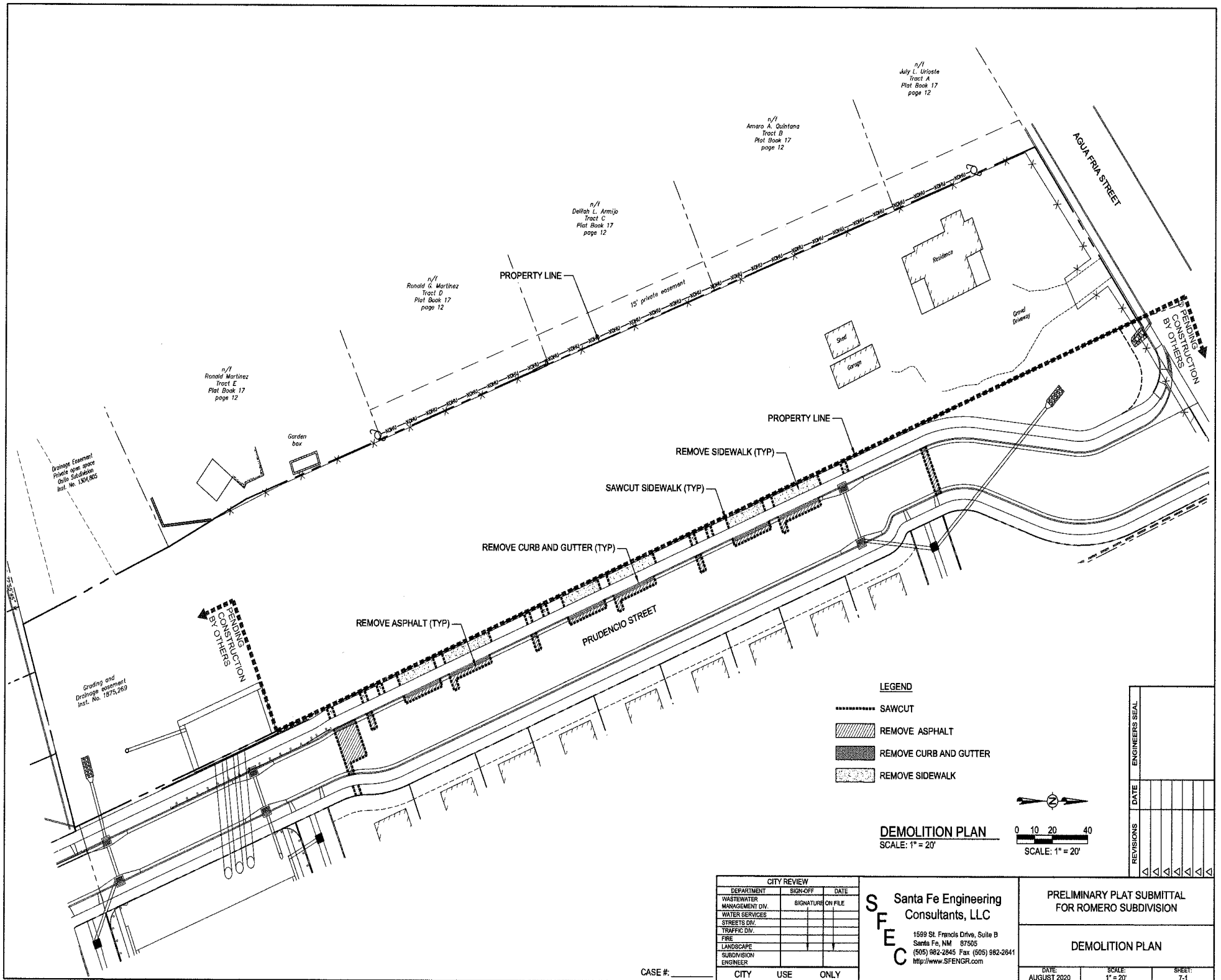
1599 St. Francis Drive, Suite B  
 Santa Fe, NM 87505  
 (505) 982-2845 Fax (505) 982-2841  
 http://www.SFENGR.com

PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION

TYPICAL DETAILS

DATE: AUGUST 2020 SCALE: N.T.S. SHEET: 6-2

CASE #: \_\_\_\_\_



n/i  
July L. Urloste  
Tract A  
Plat Book 17  
page 12

n/i  
Amara A. Quintana  
Tract B  
Plat Book 17  
page 12

n/i  
Delilah L. Armijo  
Tract C  
Plat Book 17  
page 12

n/i  
Ronald G. Martinez  
Tract D  
Plat Book 17  
page 12

n/i  
Ronald Martinez  
Tract E  
Plat Book 17  
page 12

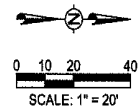
Drainage Easement  
Private open space  
Ortiz Subdivision  
Inst. No. 1304,862

Grading and  
Drainage easement  
Inst. No. 1875,269

**LEGEND**

- SAWCUT
- REMOVE ASPHALT
- REMOVE CURB AND GUTTER
- REMOVE SIDEWALK

**DEMOLITION PLAN**  
SCALE: 1" = 20'



ENGINEER'S SEAL	
DATE	
REVISIONS	

CASE #:

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE	ON FILE
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

**SFE C**  
**Santa Fe Engineering Consultants, LLC**  
 1599 St. Francis Drive, Suite B  
 Santa Fe, NM 87505  
 (505) 982-2845 Fax (505) 982-2841  
<http://www.SFENGR.com>

**PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION**

**DEMOLITION PLAN**

DATE	SCALE	SHEET
AUGUST 2020	1" = 20'	7-1



**LEGEND**

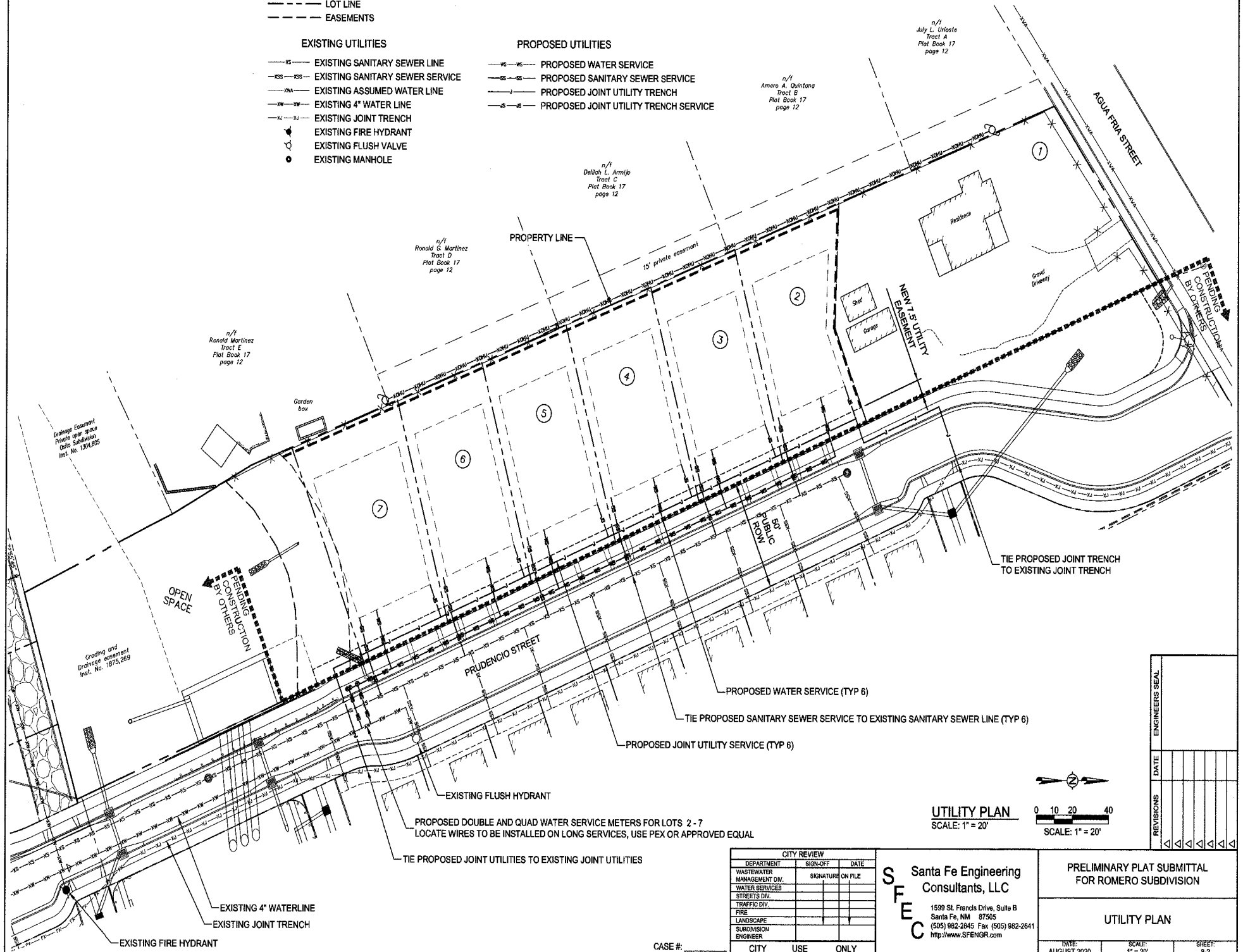
- LOT LINE
- - - EASEMENTS

**EXISTING UTILITIES**

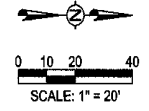
- S-S- EXISTING SANITARY SEWER LINE
- SS-SS- EXISTING SANITARY SEWER SERVICE
- WA-WA- EXISTING ASSUMED WATER LINE
- W-W- EXISTING 4" WATER LINE
- J-J- EXISTING JOINT TRENCH
- ⦿ EXISTING FIRE HYDRANT
- ⊙ EXISTING FLUSH VALVE
- EXISTING MANHOLE

**PROPOSED UTILITIES**

- WS-WS- PROPOSED WATER SERVICE
- SS-SS- PROPOSED SANITARY SEWER SERVICE
- J-J- PROPOSED JOINT UTILITY TRENCH
- S-S- PROPOSED JOINT UTILITY TRENCH SERVICE



**UTILITY PLAN**  
SCALE: 1" = 20'



REVISIONS	DATE	ENGINEER'S SEAL

CASE #: \_\_\_\_\_

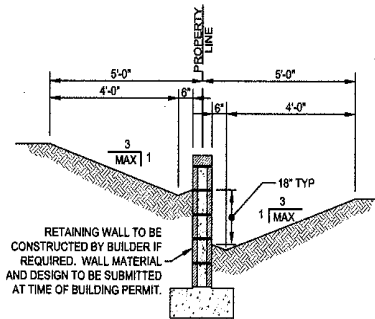
CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE	ON FILE
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

**SFE C**

**Santa Fe Engineering Consultants, LLC**

1599 St. Francis Drive, Suite B  
Santa Fe, NM 87505  
(505) 982-2845 Fax (505) 982-2841  
http://www.SFENGR.com

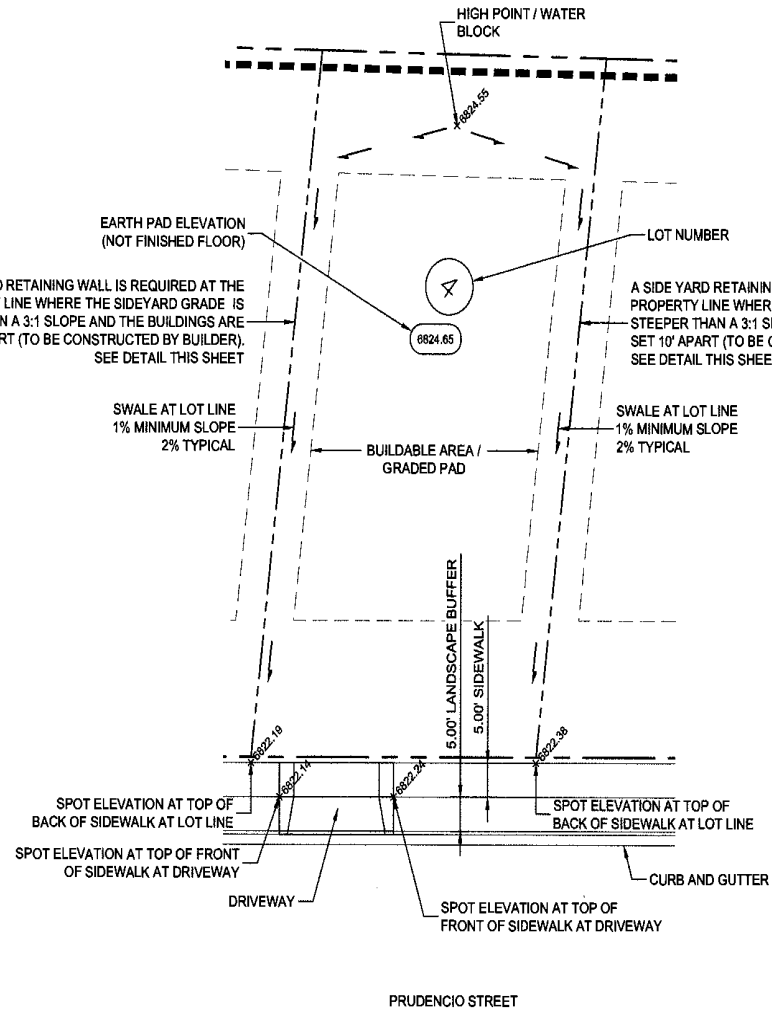
PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION		
UTILITY PLAN		
DATE: AUGUST 2020	SCALE: 1" = 20'	SHEET: 8-2



**TYPICAL SIDE YARD RETAINING WALL**  
SCALE: N.T.S.

A SIDE YARD RETAINING WALL IS REQUIRED AT THE PROPERTY LINE WHERE THE SIDEYARD GRADE IS STEEPER THAN A 3:1 SLOPE AND THE BUILDINGS ARE SET 10' APART (TO BE CONSTRUCTED BY BUILDER). SEE DETAIL THIS SHEET

A SIDE YARD RETAINING WALL IS REQUIRED AT THE PROPERTY LINE WHERE THE SIDEYARD GRADE IS STEEPER THAN A 3:1 SLOPE AND THE BUILDINGS ARE SET 10' APART (TO BE CONSTRUCTED BY BUILDER). SEE DETAIL THIS SHEET



**TYPICAL LOT GRADING AND DRAINAGE**  
SCALE: N.T.S.

**GRADING NOTES**

1. THE LIMITS OF CONSTRUCTION AND LOCATIONS OF THE CONTRACTORS STAGING AREAS SHALL BE IDENTIFIED BY THE CONTRACTOR AND APPROVED BY THE OWNER. THE LIMITS OF CONSTRUCTION SHALL BE CLEARLY DELINEATED AND SHALL BE THE MINIMUM REQUIRED TO MAINTAIN ALL WORKERS IN A SAFE CONDITION, TO PROVIDE ACCESS, AND TO MEET O.S.H.A. REGULATIONS.
2. CONTRACTOR IS REQUIRED TO PROVIDE DUST AND EROSION CONTROL PROTECTION.
3. GRADING SETBACKS TO EXTERIOR PROPERTY LINES ARE AS FOLLOWS:  
TOP OF VERTICAL SLOPE = ONE FIFTH THE VERTICAL HEIGHT OF CUT WITH A MINIMUM OF 2 FEET AND A MAXIMUM OF 15 FEET.  
TOE OF FILL SLOPE = ONE HALF THE HEIGHT OF THE SLOPE WITH A MINIMUM OF 2 FEET AND A MAXIMUM OF 15 FEET.
4. THE SURVEYOR SHALL VERIFY SETBACKS, TIE IN ELEVATIONS, AND TOPOGRAPHY WHEN STAKING PROJECT.
5. UNSUITABLE MATERIAL FROM SITE GRADING AND REMOVAL OPERATIONS, SHALL BE DISPOSED OF AT AN APPROVED LANDFILL.
6. ALL DISTURBED AREAS SHALL BE REVEGETATED AND COORDINATED WITH THE LANDSCAPING PLAN.
7. ALL FILL MATERIAL SHALL MEET THE REQUIREMENTS OF THE N.M.D.O.T. OR SITE SPECIFIC GEOTECHNICAL SPECIFICATIONS. THE FILL SHALL BE COMPACTED AS PER N.M.D.O.T. SPECIFICATIONS.
8. PROPERTY DEVELOPMENT MUST COMPLY WITH SECTION 14-8.12 (RELOCATION OF GUNNISON'S PRAIRIE DOGS.)
9. PONDS SHALL BE LINED WITH FILTER FABRIC AND SLOPES SHALL BE LINED WITH 3"-5" COBBLE OR AS SHOWN ON THE APPROVED LANDSCAPE PLAN.

**EARTHWORK NOTES:**

1. UNADJUSTED EARTHWORK VOLUME:  
1.1. CUT = 145 C.Y.  
1.2. FILL = 3,595 C.Y.

I CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE PROJECT WAS BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND THAT THESE RECORD DRAWINGS ARE TRUE AND CORRECT TO THE BEST OF MY BELIEF.

ERIC A. CORNELIUS, N.M.P.E. NO. 22790  
SANTA FE ENGINEERING CONSULTANTS, LLC.

**CITY OF SANTA FE DRAINAGE NOTES**

1. SUBJECT TO THE APPROVAL OF CITY OF SANTA FE PERMIT AND DEVELOPMENT REVIEW DIVISION STAFF. STORM DRAINAGE AND EROSION/SEDIMENT CONTROL IMPROVEMENTS SHALL BE EXECUTED IN CONJUNCTION WITH THE CONSTRUCTION OF EACH SEGMENT OF ROADS AND UTILITIES. THESE IMPROVEMENTS SHALL BE COMPLETED AND INSPECTED PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR INDIVIDUAL BUILDINGS.
2. MAINTENANCE OF PRIVATE DRAINAGE EASEMENTS AND DRAINAGE FACILITIES IS THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. THE CITY OF SANTA FE IS HEREBY GRANTED THE RIGHT TO ACCESS AND INSPECT THESE EASEMENTS AND DRAINAGE FACILITIES AT THE DISCRETION OF THE CITY. THE OWNER AGREES TO HOLD HARMLESS FROM ALL DAMAGE TO PERSONS OR PROPERTY RESULTING FROM THE CITY'S REASONABLE EXERCISE TO THEIR ACCESS AND INSPECTION RIGHT.
3. SEE TEMPORARY EROSION AND SEDIMENT CONTROL PLAN FOR ADDITIONAL DUST CONTROL NOTES, SHEET 11-2.

CASE #:

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE	ON FILE
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

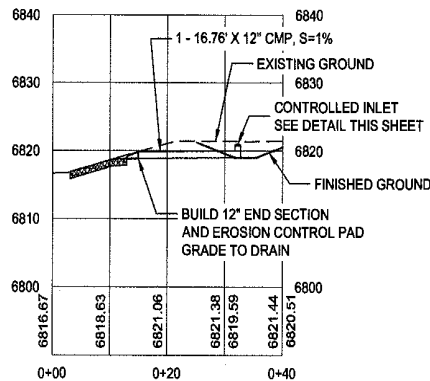
**Santa Fe Engineering Consultants, LLC**  
1599 St. Francis Drive, Suite B  
Santa Fe, NM 87505  
(505) 982-2845 Fax (505) 982-2641  
http://www.SFENGR.com

PRELIMINARY PLAT SUBMITTAL  
FOR ROMERO SUBDIVISION

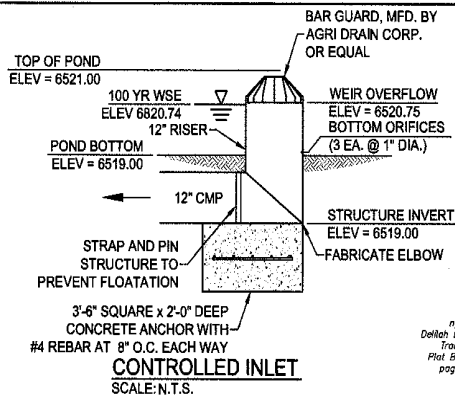
GRADING AND DRAINAGE NOTES

DATE: AUGUST 2020 SCALE: N.T.S. SHEET: 9-1

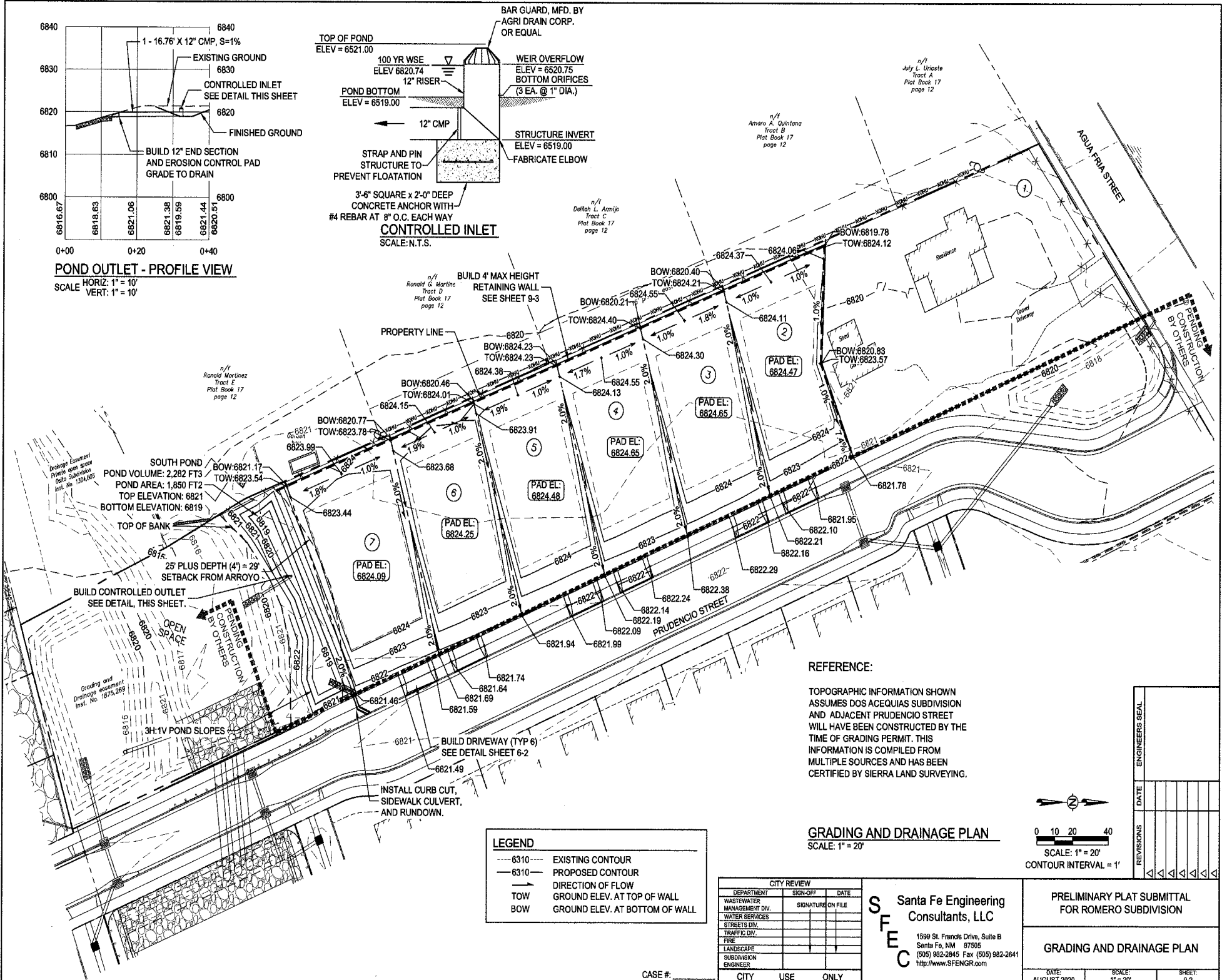
REVISIONS	DATE	ENGINEER'S SEAL



**POND OUTLET - PROFILE VIEW**  
 SCALE HORIZ: 1" = 10'  
 VERT: 1" = 10'



BUILD 4' MAX HEIGHT  
 RETAINING WALL  
 SEE SHEET 9-3



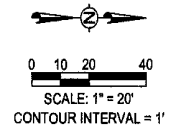
**REFERENCE:**

TOPOGRAPHIC INFORMATION SHOWN ASSUMES DOS ACEQUIAS SUBDIVISION AND ADJACENT PRUDENCIO STREET WILL HAVE BEEN CONSTRUCTED BY THE TIME OF GRADING PERMIT. THIS INFORMATION IS COMPILED FROM MULTIPLE SOURCES AND HAS BEEN CERTIFIED BY SIERRA LAND SURVEYING.

**LEGEND**

---	EXISTING CONTOUR
---	PROPOSED CONTOUR
→	DIRECTION OF FLOW
TOW	GROUND ELEV. AT TOP OF WALL
BOW	GROUND ELEV. AT BOTTOM OF WALL

**GRADING AND DRAINAGE PLAN**  
 SCALE: 1" = 20'



CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE	ON FILE
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

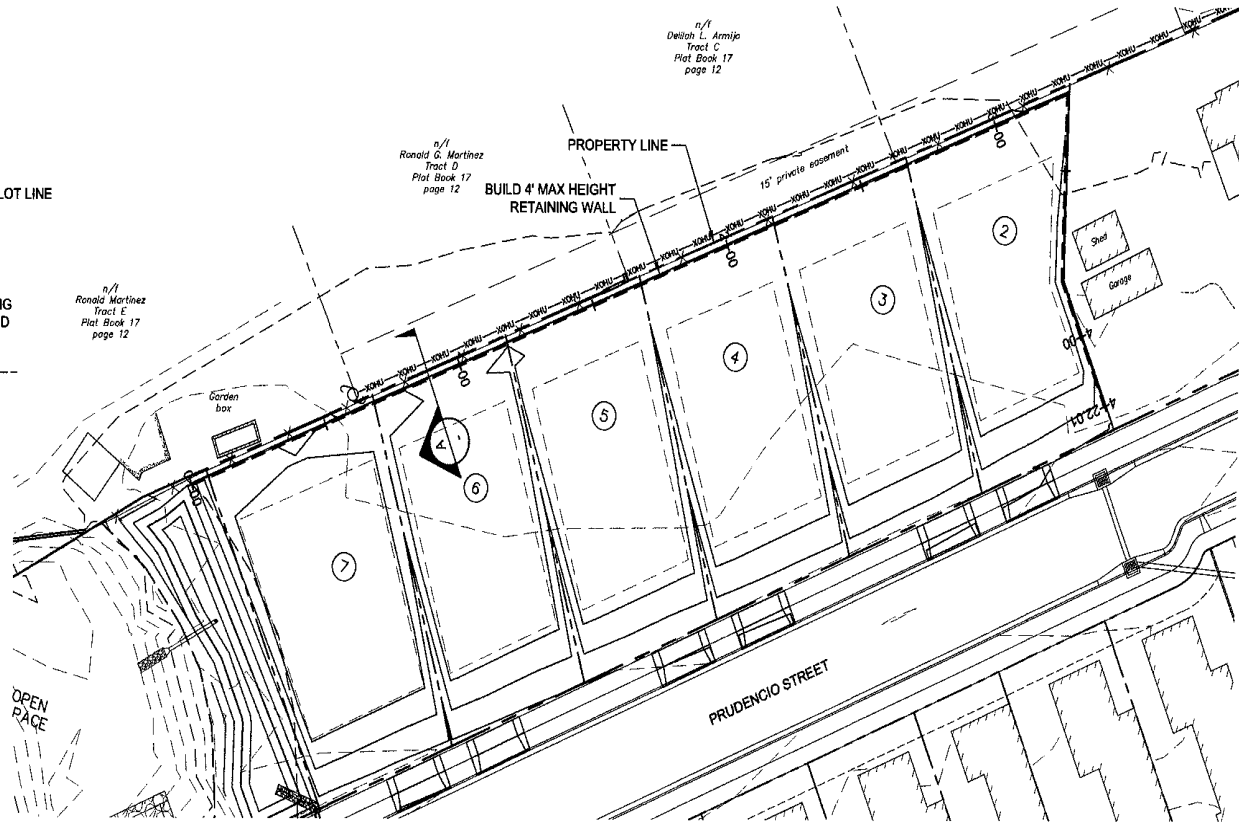
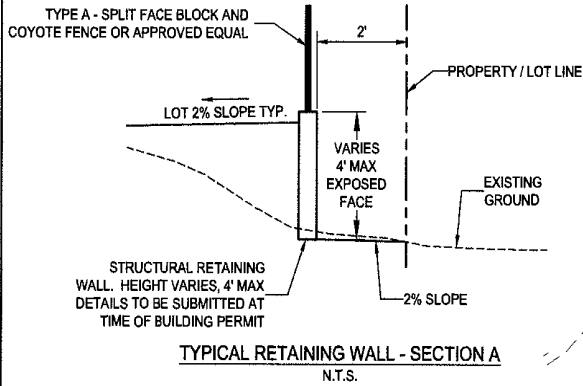
**S**  
**E**  
**F**  
**E**  
**C**

**Santa Fe Engineering Consultants, LLC**  
 1599 St. Francis Drive, Suite B  
 Santa Fe, NM 87505  
 (505) 982-2845 Fax (505) 982-2641  
 http://www.SFENGR.com

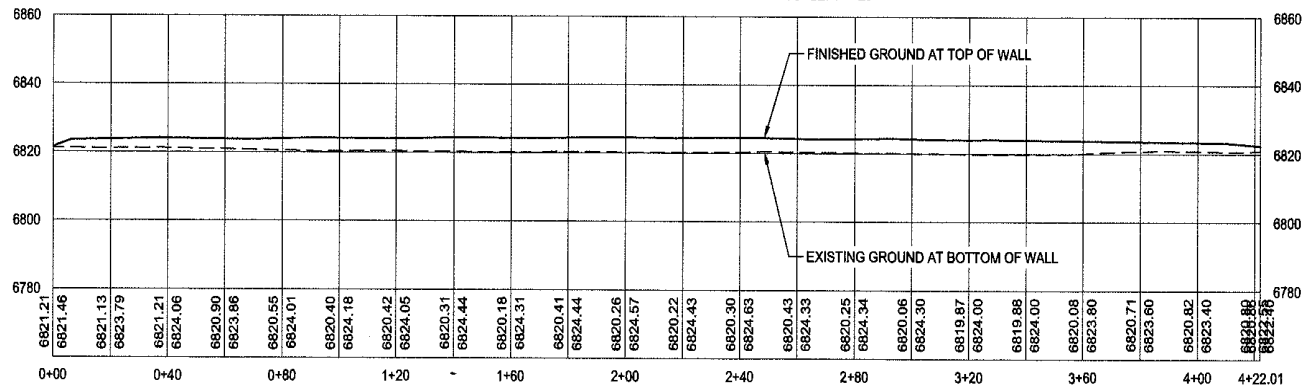
PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION		
<b>GRADING AND DRAINAGE PLAN</b>		
DATE: AUGUST 2020	SCALE: 1" = 20'	SHEET: 9-2

ENGINEER'S SEAL	
DATE	
REVISIONS	

CASE #:



**RETAINING WALL - PLAN VIEW**  
SCALE: 1" = 20'



**RETAINING WALL - PROFILE VIEW**  
SCALE: HORIZ. 1" = 20'  
SCALE: VERT. 1" = 20'

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE ON FILE	
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

**Santa Fe Engineering Consultants, LLC**  
1599 St. Francis Drive, Suite B  
Santa Fe, NM 87505  
(505) 982-2845 Fax (505) 982-2641  
http://www.SFENGR.com

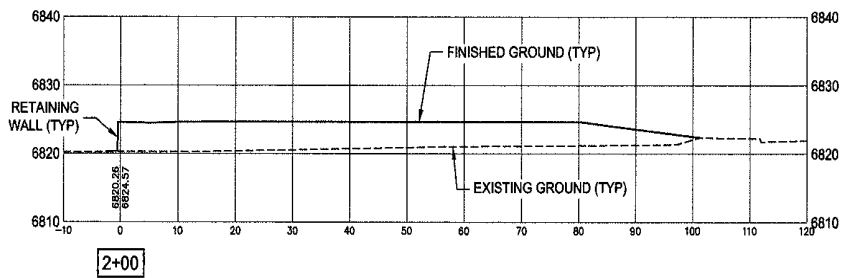
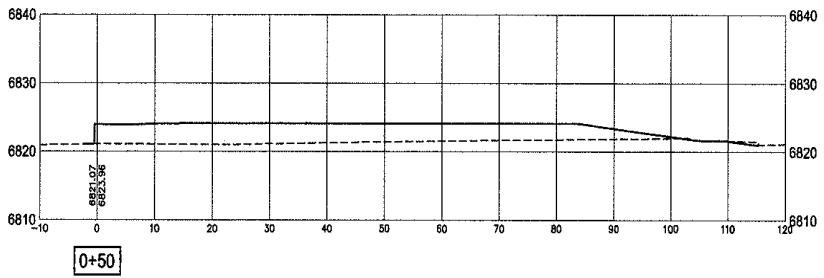
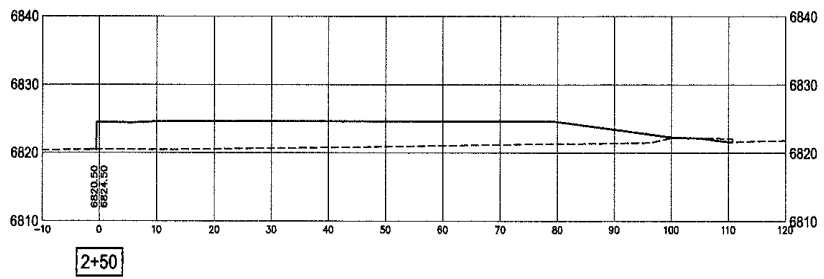
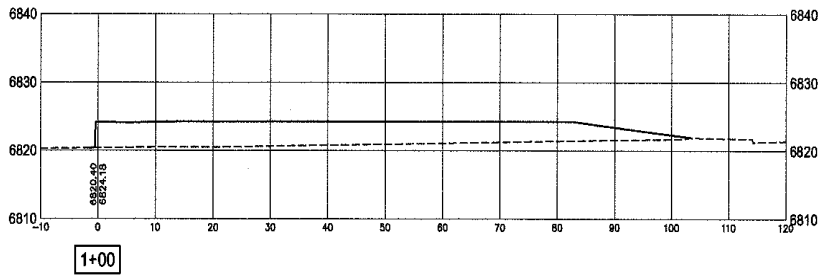
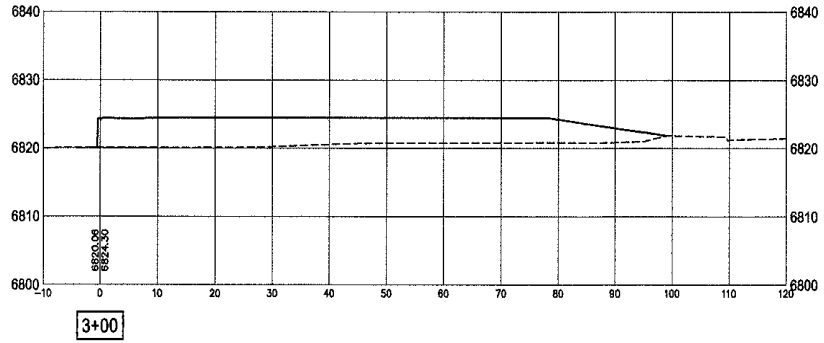
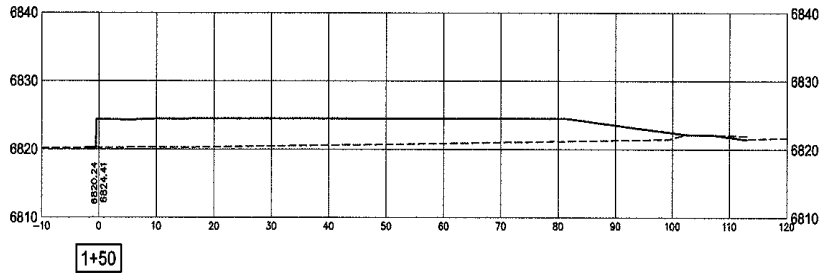
PRELIMINARY PLAT SUBMITTAL  
FOR ROMERO SUBDIVISION

**RETAINING WALL PLAN  
AND PROFILE**

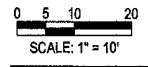
DATE: AUGUST 2020 SCALE: 1" = 20' SHEET: 9-3

REVISIONS	DATE	ENGINEER'S SEAL

CASE #:



**SITE CROSS SECTIONS**  
 SCALE: HORIZ: 1" = 10'  
 VERT: 1" = 10'



CASE #: \_\_\_\_\_

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE ON FILE	
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

**SFE C** Santa Fe Engineering Consultants, LLC  
 1599 St. Francis Drive, Suite B  
 Santa Fe, NM 87505  
 (505) 882-2845 Fax (505) 882-2641  
<http://www.SFENGR.com>

PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION		
SITE CROSS SECTIONS		
DATE: AUGUST 2020	SCALE: 1" = 10'	SHEET: 10-1

REVISIONS	DATE	ENGINEER'S SEAL

**STORM WATER POLLUTION PREVENTION PLAN  
AT ROMERO SUBDIVISION  
SANTA FE, NEW MEXICO**

**1. SITE AND PROJECT DESCRIPTION**

The project site for Romero Subdivision is currently vacant. The property is bordered by Agua Fria Street to the north, Prudencio Street to the east, Acequia to the south, and developed land to the west. The site generally drains from north to south.

1.1 Owner Operator:  
1620 AGUA FRIA STREET  
SANTA FE, NM 87505

Construction Operator (Separate NPDES Permit needed).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

**1.2 Location of the site:**

The site is located in Township 17 North, Range 9 East, Section 27 in Santa Fe, New Mexico.

The latitude and longitude are as follows:

Latitude: 35°40'30" N  
Longitude: 105°58'22" W

**1.3 The total area of the site:**

1.47 ± acres

1.4 The area of the site that is expected to be disturbed:

0.83 ± acres

**1.5 Endangered Species:**

Based on the instruction provided by the EPA Compliance Assurance and Enforcement Division Water Enforcement Branch, Region 6 "Storm Water Region 6 NPDES General Permit for Storm Water Discharge from Construction Activity," there are no endangered or threaten species, or designated critical habitat, which are likely to be adversely affected by the construction activity's storm water discharge or storm water discharge related activities.

**1.6 Intended sequence of major construction activities:**

1. Install Best Management Practices (BMP's). The contractor shall minimize soil disturbance and insure the proper stockpiling of materials.

2. Site Grading. The contractors shall use site-specific controls as shown on the Temporary Erosion Control Plans and Grading and Drainage Plans. Soil disturbance shall be minimized.

3. Stabilization. The contractors shall use site-specific controls as shown on the Permanent Erosion Control Plans.

**1.7 The following maps have been prepared:**

1.7.1 Vicinity Map

See Sheet No. 1-1.

1.7.2 Drainage patterns:

See Grading and Drainage Plan, Sheet 9-2.

1.7.3 Approximate slopes after major grading.

See Permanent Erosion Control, Sheet 11-3.

1.7.4 Outline area of disturbance:

See Permanent Erosion Control, Sheet 11-3.

1.7.5 Outline of areas which won't be disturbed:

See Permanent Erosion Control, Sheet 11-3.

1.7.6 Location of major structural and non-structural concepts:

See Temporary Erosion Control Plan, Sheet 11-2.

1.7.7 Areas where stabilization practices are expected to occur.

See Permanent Erosion Control Plan, Sheet 11-3.

**2. DESCRIPTION OF CONTROLS**

**2.1 Posting Requirements:**

The Contractor will post conspicuously near the entrance to the site the following items:

Copies of NOIs  
Name and telephone number of contact persons.

**2.2 "Good Housekeeping":**

The contractors shall practice "Good Housekeeping." This includes the proper disposal of construction and demolition debris on a daily basis, proper wash down methods of construction vehicles, the proper stockpiling of materials. The construction site shall be kept in a neat and orderly manner and exposure of material to storm water will be minimized to the extent practicable.

**2.3 Concrete Washout**

Concrete washout is a process wastewater and must be controlled in a designated area (e.g. bermed pit) and disposed of properly and noted on the Temporary Erosion Control Plans.

**2.4 Minimize Disturbance and Preserve Natural Vegetation:**

The Contractor shall minimize disturbance. The limits of construction shall be clearly delineated and enforced. Special attention will be given to protecting established vegetation. The contractor will be responsible for replacing vegetation that is unnecessarily disturbed.

**2.5 Inspections:**

Disturbed areas, stabilization and structural control measures shall be inspected as required and at least once every two weeks, and within 24 hours or the next working day of the end of a storm event. If a portion of the site has been finally or temporarily stabilized, and runoff is unlikely due to winter conditions, or during seasonal arid periods, inspections shall be conducted on a monthly basis.

Inspections shall be documented on the inspection and maintenance form. Inspections shall be continued by the Owner and final stabilization of an area is achieved and/or the Notice of Termination is submitted.

**2.6 Record Keeping:**

A copy of the SWPP Plan will be maintained onsite for the use of all Operators and those identified in the SWPP Plan as having on site responsibilities. Items that will be maintained and attached to the SWPP include:

Inspection Reports: The inspection reports shall be signed by a qualified inspector assigned by the Contractor. The SWPP package and reports shall be available to EPA representatives at all times during construction.

Land Disturbance Log containing: dates when major soil disturbing activities occur, dates when construction activities temporarily or permanently cease on a portion of the site, and dates when stabilization measures are initiated.

**Spill Tracking**

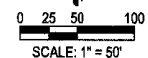
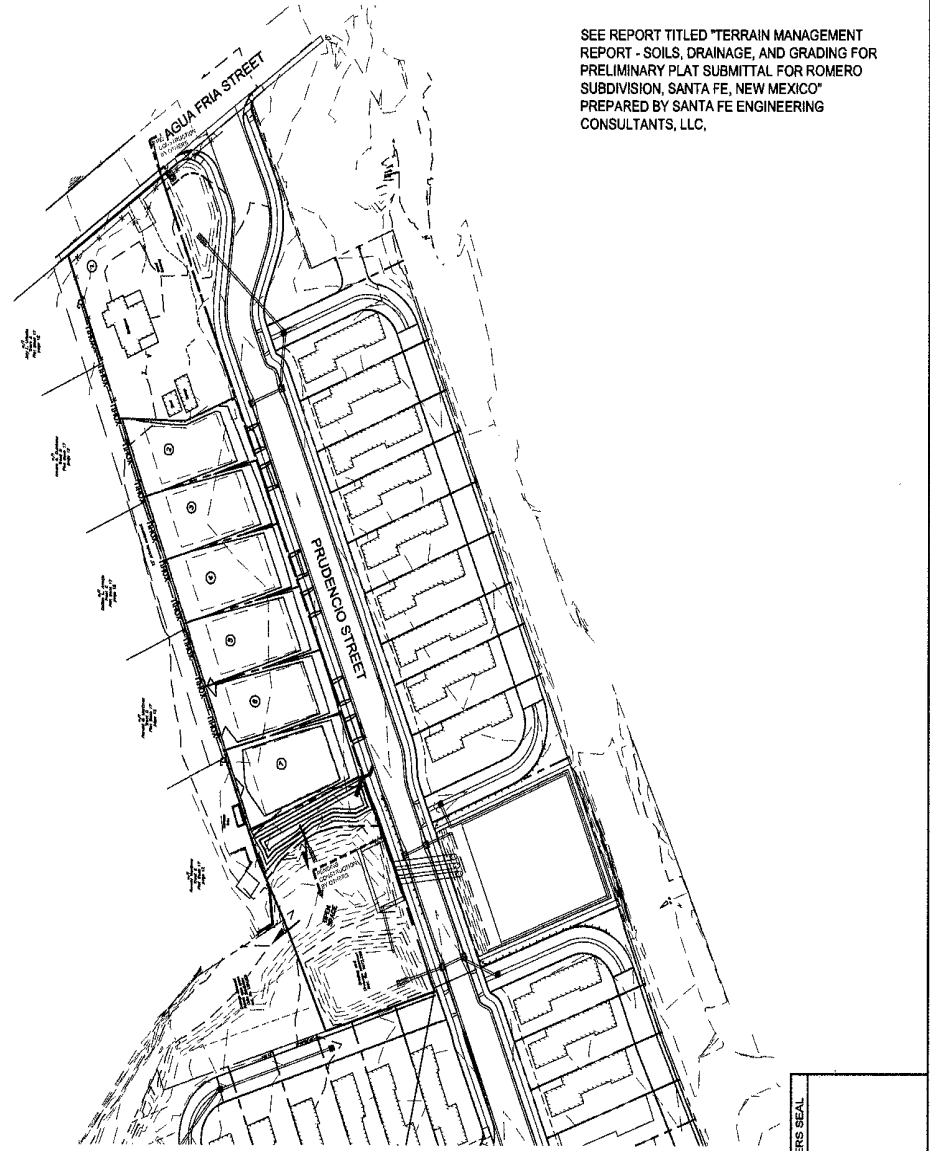
Copies of SWPP Plans, inspection records, spill reports, all reports required by NPDES Permit coverage, and data used to complete the NOI shall be retained by the permittees.

**2.7 Plan Amendment:**

This SWPP Plan will be amended when:

There is a change in design, construction, operation, or maintenance.

If the inspection report identifies problems or inadequacies with the current BMPs, the SWPP Plan shall be modified as necessary to include additional or modified BMP's designed to correct the problems.



**DEVELOPED CONDITIONS DRAINAGE MAP**  
SCALE: 1" = 50'

CASE #:

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE	ON FILE
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
PIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

**Santa Fe Engineering Consultants, LLC**  
1599 St. Francis Drive, Suite B  
Santa Fe, NM 87505  
(505) 982-2845 Fax (505) 982-2841  
http://www.SFENGR.com

**PRELIMINARY PLAT SUBMITTAL  
FOR ROMERO SUBDIVISION**

**STORM WATER POLLUTION  
PREVENTION PLAN**

DATE: AUGUST 2020	SCALE: 1" = 50'	SHEET: 11-1
----------------------	--------------------	----------------

ENGINEER'S SEAL	DATE						
	REVISIONS						

SEE REPORT TITLED "TERRAIN MANAGEMENT REPORT - SOILS, DRAINAGE, AND GRADING FOR PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION, SANTA FE, NEW MEXICO" PREPARED BY SANTA FE ENGINEERING CONSULTANTS, LLC.

**DUST CONTROL:**

All onsite soil disturbing construction activities shall be addressed and provide measures to mitigate or control dust from being transported offsite and polluting neighboring properties.

Any person, owner, contractor, or operator who conducts earthmoving and/or dust generating activities is responsible for implementing Best Management Practices (BMPs) in order to mitigate off-property transport of fugitive dust emissions.

A plan, or storm water prevention plan (SWPPP) when applicable, listing the Best Management Practices (BMPs), shall be provided to the City Engineer or his designee for review and approval. The approved BMPs shall be applied to the graded and/or disturbed soil in order to stabilize the site.

The initial BMP shall address how the Contractor will minimize the amount of disturbed soil and how the Contractor will stabilize the disturbed surface area exposed to wind or vehicle traffic during construction.

Some BMPs shall include:

- The reduction of vehicle speeds: establish a maximum speed limit or install traffic calming devices to reduce speeds to a rate to mitigate off-property transport of dust entrained by vehicles.
- The minimization of drop height: Drivers and operators shall unload truck beds and loader or excavator buckets slowly and minimize drop height of materials to the lowest height possible, including screening operations.
- High winds restriction: temporarily halt work activities during high wind events greater than 30 mph if operations would result in off-property transport.
- Restrict access: restrict access to the work area to only authorized vehicles and personnel.

In the event the above practices are ineffective to prevent off-property transport, the contractor, owner, or operator shall use at least one or more of the following Best Management Practices (BMPs):

- Wet suppression: apply water to disturbed soil surfaces, backfill materials, screenings, and other dust generating operations as necessary and appropriate considering current weather conditions, and prevent water used for dust control from entering any public right-of-way, storm water drainage facility, or watercourse.
- Wind barrier: construct a fence or other type of wind barrier to prevent wind erosion of the graded or disturbed surface.
- Vegetation: plant vegetation appropriate for retaining soils or creating a wind break.
- Surface roughening: stabilize an active construction area during periods of inactivity or when vegetation cannot be immediately established.
- Cover: install cover materials such as tackifiers, erosion control blankets, gravel, vegetation (when appropriate), cold-millings, etc., during periods of inactivity and properly anchor the cover.
- Soil retention: stabilize disturbed or exposed soil surface areas that will be inactive for more than 30 days or while vegetation is being established.

**BEST MANAGEMENT PRACTICES - NOTES**

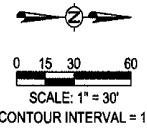
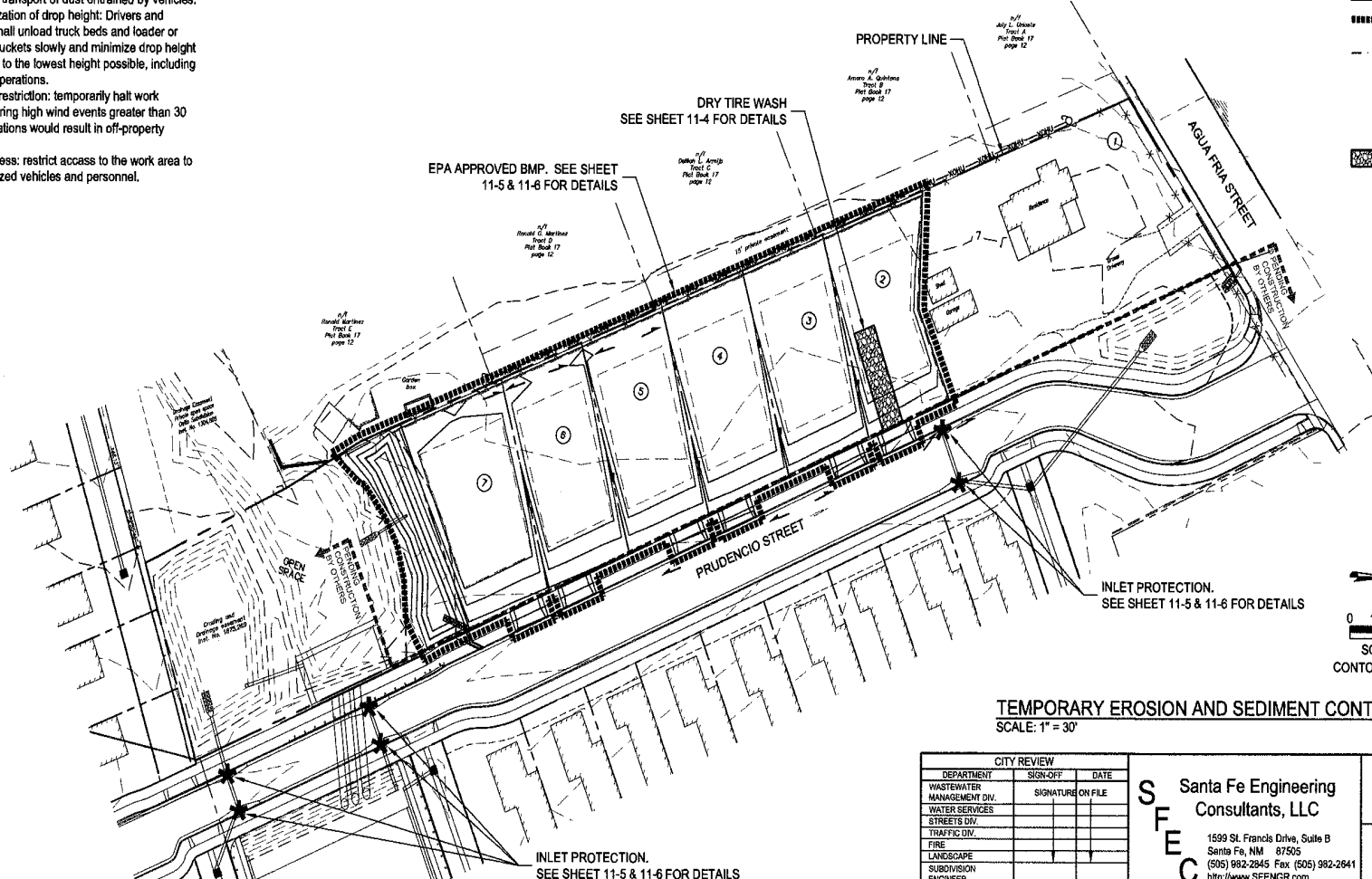
- DISTURBED AREAS SHALL BE PROTECTED FROM EROSION DURING CONSTRUCTION BY MEANS ADEQUATE TO RETAIN SOIL ON SITE.
- EXCEPT AS NECESSARY TO INSTALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES, LAND SHALL NOT BE GRADED OR CLEARED UNTIL ALL SUCH TEMPORARY DEVICES HAVE BEEN PROPERLY INSTALLED AND INSPECTED. CONTROL DEVICES SHALL BE KEPT IN PLACE AND USED UNTIL THE DISTURBED AREA IS PERMANENTLY STABILIZED.
- SIGNIFICANT TREES, AREAS WITH SUBSTANTIAL GRASS COVERAGE, AND DRAINAGE WAYS THAT ARE TO REMAIN UNDISTURBED SHALL BE FENCED OFF PRIOR TO THE USE OF ANY HEAVY MACHINERY ON-SITE AND DURING THE ENTIRE CONSTRUCTION PROCESS. FENCING SHALL BE PLACED FIVE FEET TO THE OUTSIDE OF THE DRIP LINE OF SIGNIFICANT TREES. THERE ARE NO SIGNIFICANT TREES.
- SOIL STOCKPILES SHALL BE PROTECTED FROM EROSION THROUGHOUT CONSTRUCTION BY USING APPROPRIATE EROSION CONTROL TECHNIQUES. STAGING AND SOIL STOCKPILE AREAS SHALL BE CLEARLY DESIGNED ON THE SITE. ALL TOPSOIL SHALL BE KEPT ON SITE, WITHIN THE DISTURBANCE ZONE OF CONSTRUCTION, AND REINTRODUCED IN TO PLANTING AREAS TO THE EXTENT POSSIBLE. THERE ARE NO SOIL STOCKPILES ASSOCIATED WITH THIS PROJECT.
- WATERING DOWN EXPOSED AREAS IS REQUIRED TO PREVENT THE BLOWING OF DUST OR SEDIMENT.
- PROTECTION FOR STORM DRAIN INLETS SHALL BE PROVIDED TO PREVENT THE ENTRY OF SEDIMENT WHILE STILL ALLOWING THE ENTRY OF STORM WATER.
- EROSION AND SEDIMENT CONTROL SHALL BE ACCOMPLISHED BY WATERING AND/OR FIBER MULCH WITH TACKIFIER.
- ALL CONSTRUCTION TRAFFIC SHALL USE TIRE WASHES.

**MAINTENANCE RESPONSIBILITIES AND INSPECTIONS**

- DISTURBED AREAS, STABILIZATION AND STRUCTURAL CONTROL MEASURES SHALL BE INSPECTED AS REQUIRED AND AT LEAST ONCE EVERY TWO WEEKS, AND WITHIN 24 HOURS OR THE NEXT WORKING DAY OF THE END OF A STORM EVENT. IF A PORTION OF THE SITE HAS BEEN FINALLY OR TEMPORARILY STABILIZED, AND RUNOFF IS UNLIKELY DUE TO WINTER CONDITIONS, OR DURING SEASONAL ARID PERIODS, INSPECTIONS SHALL BE CONDUCTED ON A MONTHLY BASIS.
- THE CITY OR ITS AUTHORIZED AGENT MAY ENTER UPON THE PROPERTY, AT REASONABLE TIMES ALL STORMWATER FACILITIES SHALL BE MAINTAINED BY THE CONTRACTOR.
- THE STORMWATER MANAGEMENT SYSTEM SHALL BE MAINTAINED IN GOOD CONDITION AND PROMPTLY REPAIRED.
- TO ENSURE THAT THE SYSTEM IS MAINTAINED IN PROPER WORKING CONDITION.
- IF AFTER NOTICE BY THE CITY TO CORRECT A VIOLATION REQUIRING MAINTENANCE WORK, SATISFACTORY CORRECTIONS ARE NOT MADE WITHIN A REASONABLE PERIOD IF TIME, THE CITY MAY PERFORM ALL NECESSARY WORK TO PLACE THE FACILITY IN PROPER WORKING CONDITION. THE OWNER(S) OR RESPONSIBLE PARTY OF THE FACILITY SHALL BE ASSESSED THE ASSOCIATED COSTS OF THE WORK.

**LEGEND**

- EPA APPROVED BMP. SEE SHEET 11-5 & 11-6 FOR DETAILS
- GRADING LIMITS
- INLET PROTECTION (TYP) SEE SHEET 11-5 & 11-6 FOR DETAILS
- DRAINAGE FLOW ARROW
- DRY TIRE WASH SEE SHEET 11-4 FOR DETAILS



**TEMPORARY EROSION AND SEDIMENT CONTROL PLAN**  
SCALE: 1" = 30'

ENGINEER'S SEAL	
DATE	
REVISIONS	

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE ON FILE	
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

**SFE C** Santa Fe Engineering Consultants, LLC  
1599 St. Francis Drive, Suite B  
Santa Fe, NM 87505  
(505) 982-2845 Fax (505) 982-2841  
http://www.SFENGR.com

PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION

**TEMPORARY EROSION AND SEDIMENT CONTROL PLAN**

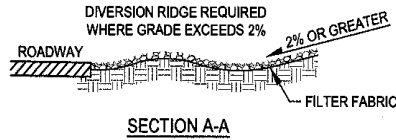
DATE: AUGUST 2020 SCALE: 1" = 30' SHEET: 11-2

CASE #:

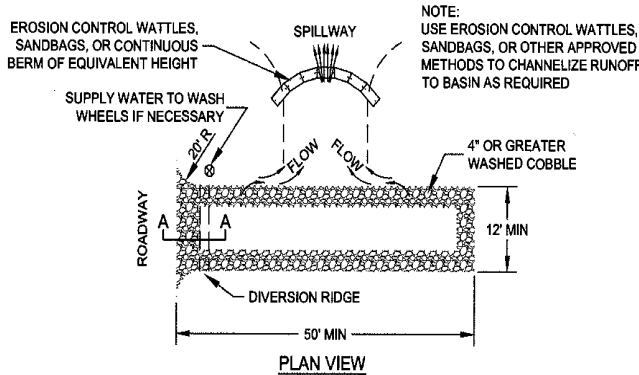


**NOTES:**

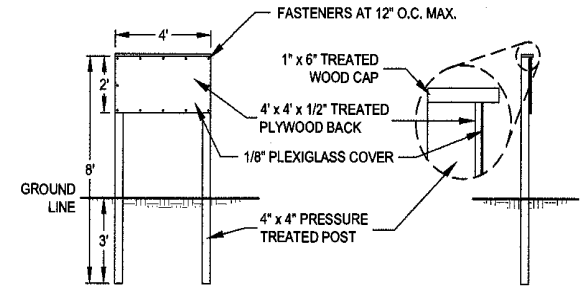
1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL MINIMIZE SEDIMENT TRACKING OR TRANSPORT ONTO PUBLIC ROADWAYS. THIS MAY REQUIRE ADDING ADDITIONAL LAYERS OF GRAVEL, REPAIR AND/OR CLEANOUT OF MEASURE USED TO TRAP SEDIMENT.
2. WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC ROADWAYS.
3. VEHICLE WASHING SHALL BE CONDUCTED IN A STABILIZED AREA WITH APPROPRIATE STORM WATER CONTROLS IN PLACE.



**SECTION A-A**



**PLAN VIEW**



**N.P.D.E.S. PERMIT POSTING BOARD  
(LOCATED AT MAIN ENTRANCE)**

**TEMPORARY GRAVEL CONSTRUCTION  
ENTRANCE / EXIT**

**CITY OF SANTA FE NPDES STORMWATER MANAGEMENT NOTES**

1. DEVELOPMENT IS SUBJECT TO THE REQUIREMENTS OF THE SFCC CHAPTER XIII STORMWATER UTILITY INCLUDING THE STORMWATER UTILITY SERVICE CHARGE AND STORMWATER ILLICIT DISCHARGE CONTROL REQUIREMENTS.
2. DEVELOPMENT IS SUBJECT TO THE REQUIREMENTS OF NPDES GENERAL MS4 DISCHARGE PERMIT NO. NMR040000 AND NPDES CONSTRUCTION GENERAL PERMIT NO. NMR 100000.
3. CONSTRUCTION GENERAL DISCHARGE PERMIT NO. NMR100000- A STORMWATER POLLUTION PREVENTION PLAN MUST BE PREPARED BY A QUALIFIED PROFESSIONAL AND A NOTICE OF INTENT (NOI) FOR COVERAGE MUST BE FILED WITH THE EPA. CONSTRUCTION STORMWATER DISCHARGES ARE NOT PERMITTED UNTIL A MINIMUM OF SEVEN (7) CALENDAR DAYS AFTER EPA ACKNOWLEDGEMENT OF A COMPLETE NOI.
4. CITY OF SANTA FE STORMWATER ILLICIT DISCHARGE CONTROL- SFCC 13-2 PROHIBITS THE DISCHARGE OF POLLUTANTS INCLUDING SEDIMENT, SLURRIES, MUD, PLASTERS, CONCRETE RINSATES AND ANY CONSTRUCTION MATERIALS, WASTES AND GARBAGE, ETC. TO THE STORM DRAIN SYSTEM. THE STORM DRAIN SYSTEM INCLUDES ROADS, STREETS, CURBS, GUTTERS, DROP INLETS, PIPED STORM DRAINS, CULVERTS, RETENTION AND DETENTION BASINS, NATURAL AND MAN-MADE DRAINAGE CHANNELS, ARROYOS, RIVERS AND ANY FACILITY AND APPURTENANCE BY WHICH STORMWATER IS COLLECTED AND/OR CONVEYED.
5. CITY OF SANTA FE TERRAIN AND STORMWATER REGULATIONS- SFCC 14-8.2 REQUIRES THAT CONSTRUCTION DISTURBED AREA SHALL BE PROTECTED AGAINST EROSION. SEDIMENT MUST BE CONTAINED ON THE DISTURBED AREA BY THE USE OF TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES SUCH AS SILT FENCING, SWALES, BERMS, GEOTEXTILES, SEDIMENT BASINS AND TRAPS. PROTECTION FOR STORM DRAIN INLETS SHALL BE PROVIDED TO PREVENT THE ENTRY OF SEDIMENT FROM THE SITE WHILE STILL ALLOWING THE ENTRY OF STORMWATER. CONTROL DEVICES SHALL BE KEPT IN PLACE AND USED UNTIL THE DISTURBED AREA IS PERMANENTLY STABILIZED.
6. THE CONTRACTOR SHALL NOT REMOVE SILT FENCE AND MULCH SOCKS OR OTHER TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES UNTIL DISTURBED AREAS ARE STABILIZED. SOIL STABILIZATION AND EROSION CONTROL MEASURES SHALL BE COMPLETED WITHIN 21 CALENDAR DAYS AFTER COMPLETION OF CONSTRUCTION OR OTHER SOIL DISTURBANCE ACTIVITIES ON THE SITE. IF THE TIME OF YEAR IS NOT CONDUCTIVE TO PLANTING, THEN PLANTING MAY BE DELAYED UNTIL THE NEXT APPROPRIATE PLANTING SEASON PROVIDED THAT ALL TEMPORARY EROSION CONTROL MEASURES ARE MAINTAINED UNTIL PERMANENT EROSION CONTROL MEASURES ARE IMPLEMENTED. TEMPORARY EROSION CONTROL MEASURES SHALL BE SELECTED, DESIGNED AND INSTALLED WITH AN APPROPRIATE SEED BASE TO PROVIDE EROSION CONTROL FOR AT LEAST THREE YEARS WITHOUT ACTIVE MAINTENANCE. TEMPORARY EROSION CONTROL MEASURES SHALL BE SELECTED, DESIGNED AND INSTALLED TO ACHIEVE 70 PERCENT VEGETATIVE COVER WITHIN THREE YEARS.

SWPP Plan Inspection Report

Project Name: \_\_\_\_\_

Purpose of Inspection: \_\_\_\_\_ Date: \_\_\_\_\_

Inspector: \_\_\_\_\_

Weather Information: Type, Time, Amount, and Duration of Each Storm Event since Last Inspection. List Date and Location for Storm Events:  
 \_\_\_\_\_  
 \_\_\_\_\_

Location of NPDES Notice of Permit Coverage Posting: \_\_\_\_\_

Has Land Disturbance Log been maintained?  Yes  No  N/A

Does the site map reflect current BMPs and Site Characteristics?  Yes  No

Does the site map reflect current BMPs and Site Characteristics?  Yes  No

Comments: \_\_\_\_\_  
 \_\_\_\_\_

Evidence of Discharges of Sediment or other Pollutants from the Site (Describe Below):  Yes  No

Evidence of Spills or Leaks (Describe Below):  Yes  No

Evidence of Offsite Sediment Tracking (Describe Below):  Yes  No

Comments: \_\_\_\_\_  
 \_\_\_\_\_

Is Facility in Compliance with SWPP Plan and Form?  Yes  No

Incidents of Non-Compliance with SWPP Plan: \_\_\_\_\_  
 \_\_\_\_\_

Land Disturbance Log, including Location and Date of Soil Disturbance, Activities and Stabilization Initiated:  
 \_\_\_\_\_  
 \_\_\_\_\_

SWPP Plan Inspection Report (Continued)

**Certification Statement:**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

\_\_\_\_\_  
 (Signature)

\_\_\_\_\_  
 (Please Print Name, Title)

ENGINEER'S SEAL	
DATE	
REVISIONS	

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE	ON FILE
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

**Santa Fe Engineering Consultants, LLC**

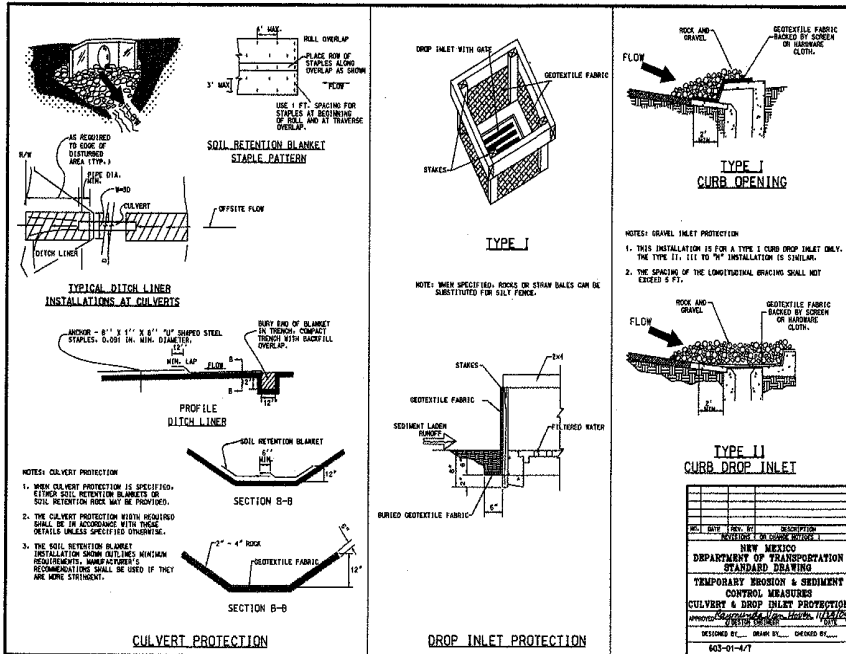
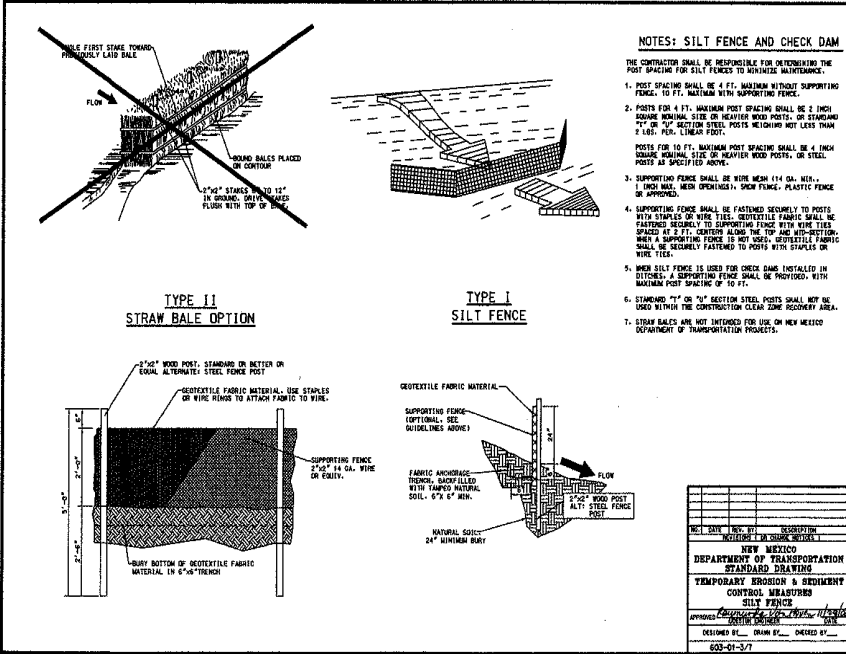
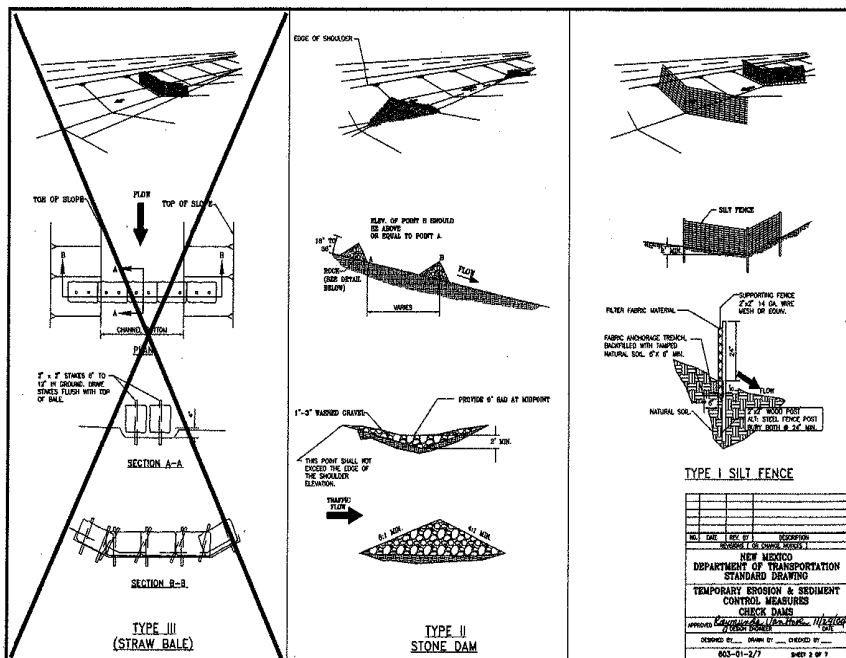
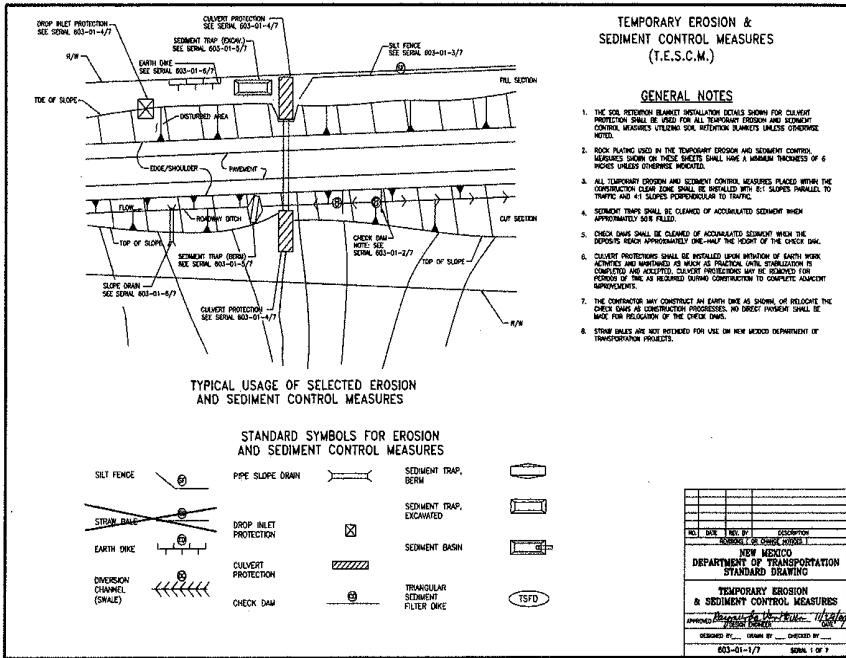
1599 St. Francis Drive, Suite B  
 Santa Fe, NM 87505  
 (505) 982-2845 Fax (505) 982-2641  
 http://www.SFENGR.com

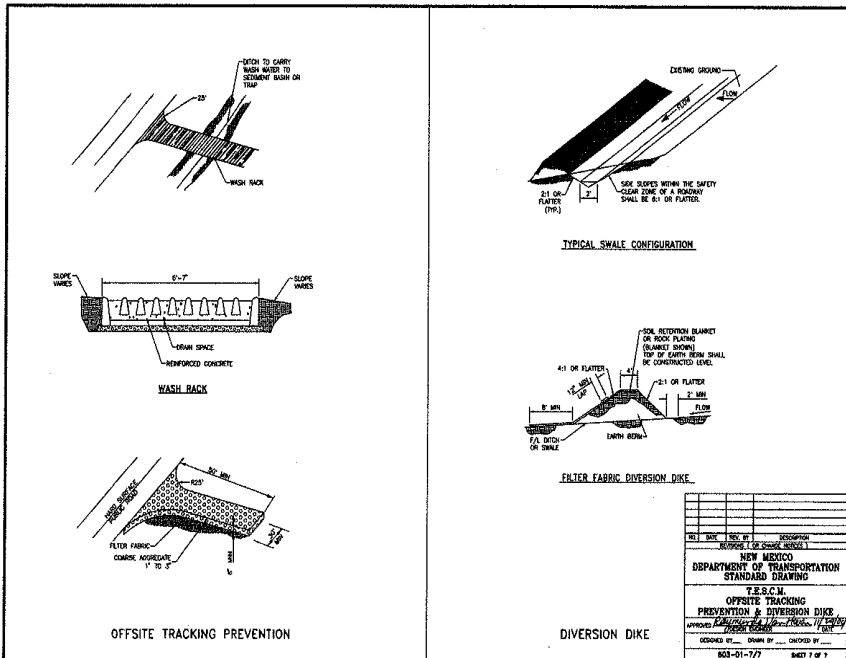
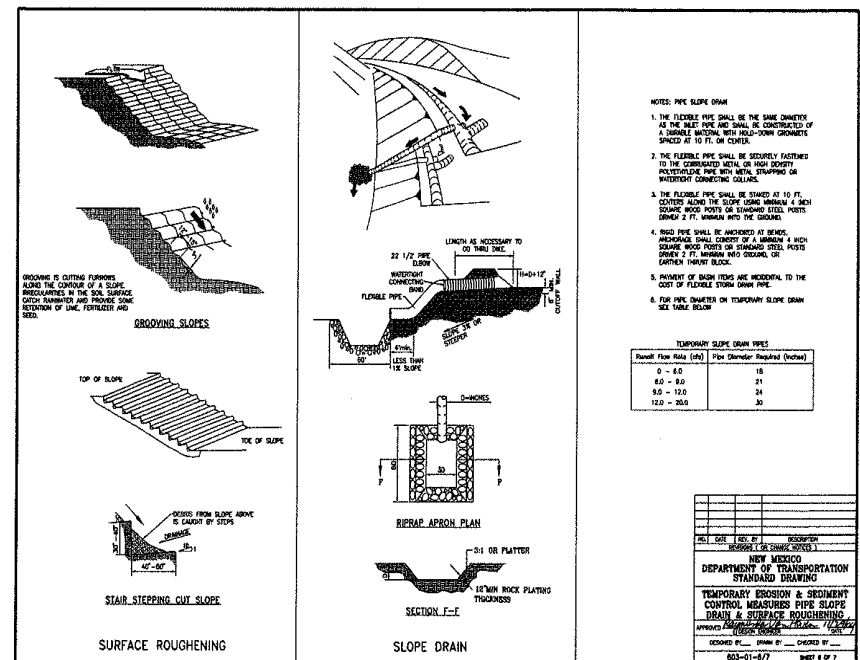
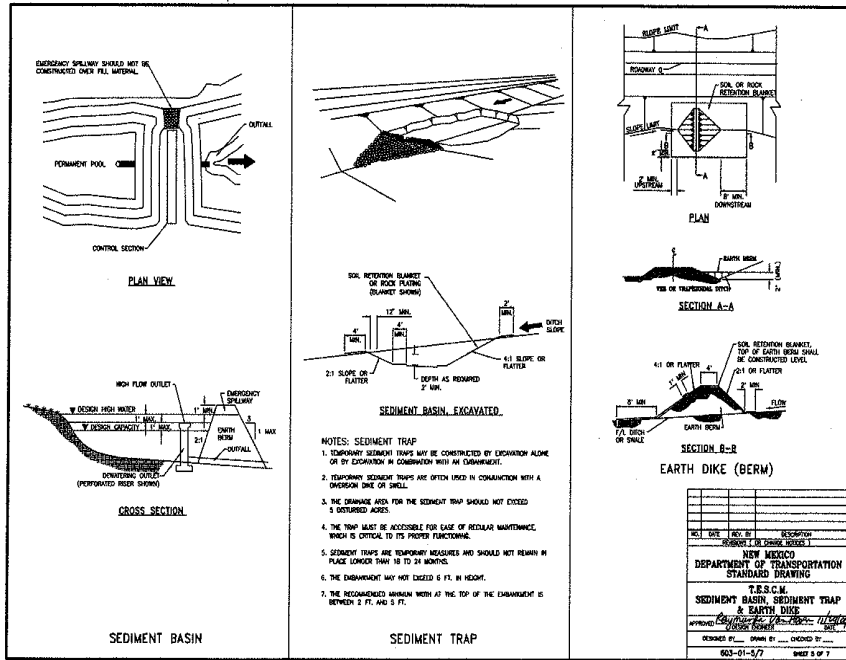
**PRELIMINARY PLAT SUBMITTAL FOR ROMERO SUBDIVISION**

**STORM WATER CONTROL DETAILS**

DATE:	SCALE:	SHEET:
AUGUST 2020	N.T.S.	11-4

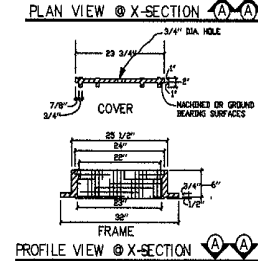
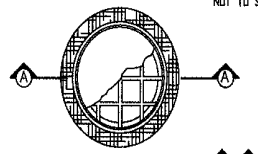
CASE #: \_\_\_\_\_



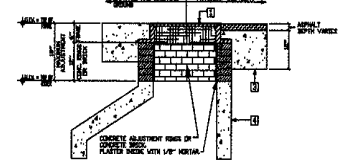


**LEGEND**

ITEM	DESCRIPTION
1	MANHOLE FRAME & COVER, refer to manhole frame and cover detail Dwg. No. SAS-4
2	CONCRETE ADJUSTMENT RINGS OR CONCRETE BRICK, refer to concrete adjustment detail Dwg. No. SAS-5
3	CONCRETE COLLAR, refer to concrete collar detail Dwg. No. SAS-6
4	PRECAST REINFORCED CONCRETE RISER, CONE OR FLAT TOP, with 5"(in) wall thickness, refer to general note CM-2
5	PRECAST REINFORCED CONCRETE BASE RISER, with suitable sized openings, refer to general note CM-2A
6	CONCRETE BASE, refer to concrete base detail Dwg. No. SAS-7
7	SEWER PIPE, refer to general note CM-1
8	6"(in) GROUT FILLET, on upper half of pipe and around base
9	ADAPTER, MANHOLE, refer to manhole adapter detail Dwg. No. SAS-8
10	PIPE PENETRATION INTO MANHOLE, refer to manhole adapter detail Dwg. No. SAS-8
11	PIPE SUPPORT, CONCRETE, shall extend out-side of manhole a maximum of 18"(in) to ball of first joint and shall cradle pipe half pipe
12	CONCRETE FILL, 3000 p.s.i., refer to general note CR-6
13	SHELF, to be 9"(in) minimum width with 1/2"(in) per 1'-0" slope, from crown of pipe
14	CUT UPPER HALF OF PIPE, after manhole has been completed and inspected by engineer
15	HAND FORMED CHANNELS, shall be on a uniform radius and shall not hold water
16	INVERT ELEVATIONS OF LATERAL LINES, shall be the same as the springline elevation of the sewer main, where possible
17	CHANGE SLOPE OF PIPE, of center of manhole
18	APPROVED WATER STOP, to be with type of pipe



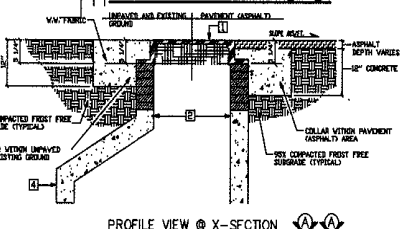
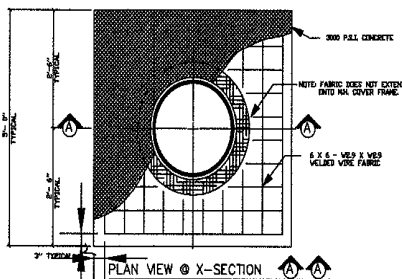
MANHOLE FRAME & COVER DETAIL/DWG # SAS-4



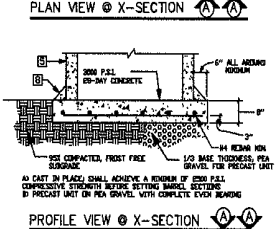
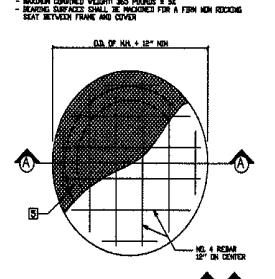
MANHOLE ADJUSTMENT DETAIL/DWG # SAS-5

**GENERAL NOTES**

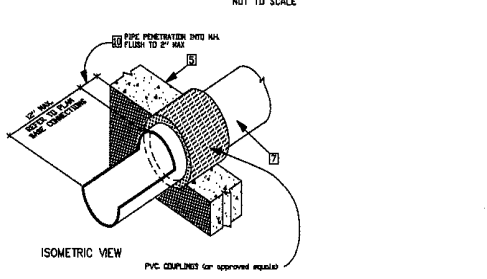
- CONSTRUCTION REQUIREMENTS**
- CR-1 MATERIALS AND WORK: CURRENT NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (referred to as M&M APWA) WITH MODIFICATIONS NOTED BY THIS CITY OF SANTA FE.
  - CR-2 APPROVED PLANS: USE PLANS BEARING THE OFFICIAL STAMP OF THE DESIGN ENGINEER AND BEARING THE APPROVED SIGNATURE OF THE CITY WATER QUALITY DIVISION OR APPROVED REPRESENTATIVE. CONSTRUCTION REQUIREMENTS NOTED APPROVED PLANS WILL BE OBSERVED.
  - CR-3 SEWER HOOD-UP REMOVAL: OBTAIN PERMITS FROM THE PROJECT BEFORE COMMENCING ANY SEWER CONSTRUCTION. CONSTRUCTION PERMITS OBTAINING PERMITS SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE. CONSTRUCTION PLANS SHALL INDICATE THE CLASS OF SEWER TO BE REMOVED AND THE CLASS OF SEWER TO BE INSTALLED. A CHANGE IN PIPE CLASSIFICATION OR WALL THICKNESS.
  - CR-4 MANUFACTURER'S CERTIFICATES: WHEN CERTIFICATES OF COMPLIANCE AND TEST REPORTS ARE OBTAINED FROM MANUFACTURERS, DOCUMENTS SHALL BE SUBMITTED TO THE CITY WATER QUALITY DIVISION OR APPROVED REPRESENTATIVE AT THE TIME OF MATERIALS DELIVERY TO THE JOBSITE.
  - CR-5 CONTRACTOR REQUIREMENTS: CONTRACTOR PERFORMING WORK ON PUBLIC SEWER LINES SHALL BE A LICENSED UTILITY CONTRACTOR.
- INSTALLATION**
- I-1 LAYING PIPE: AS PER SECTION 900.14M APWA, PIPE SHALL BE PLACED AND BEARING IN A PROPER FREE TRENCH. CARETAKERS SHALL BE FULLY SEATED AND NOT SUPPORTED. PIPE SHALL BE LAD THROUGH UNUSUAL LOCATIONS ON STRAIGHT AND UP TO 22 1/2 DEGREE DEFLECTIONS.
    - A. PIPE TRENCH INSTALLATION CONFIGURATION: EXCEEDS THE LIMITS OF M&M APWA STANDARDS. SECTION 700.08 OR AS DETEILED ON THE CONSTRUCTION PLANS, THE DESIGN ENGINEER WILL SPECIFY THE NEW PIPE CLASSIFICATION OR WALL THICKNESS.
    - B. TYPE I TRENCH CONFIGURATION IS NORMALLY USED WHEN TRENCH DEPTHS ARE 6'(FT) OR LESS. TYPE II TRENCH CONFIGURATION IS NORMALLY USED WHEN TRENCH DEPTHS ARE 6'(FT) AND OVER. DEFLECTIONS ON SOIL CONDITIONS, REFER TO M&M APWA STANDARD SECTION 700.
  - I-2 MANHOLE CONSTRUCTION:
    - A. BASE:
      - CAST IN PLACE ON UNDISTURBED FROST FREE SUBGRADE.
      - PRECAST UNITS ON PEA GRAVEL WITH COMPLETE EVEN BEARING.
    - B. PRECAST BARRELS:
      - JOINTS FULLY COMPLETELY WITH NON-SHINK GROUT AND TRAVEL.
      - MANHOLE ADAPTER METALS OVER PVC PIPE AND FULL IN PENETRATION WITH NON-SHINK GROUT.
      - CAST IN PLACE BASES SHALL ACHIEVE A MINIMUM OF 2800 PSI COMPRESSIVE STRENGTH BEFORE SETTING PRECAST BARREL SECTIONS.
  - I-3 EXCAVATION AND BACKFILL:
    - A. AS PER SECTION 700.14M APWA, SATURATION BY TESTING METHODS IS NOT PERMITTED WITHOUT A SOIL ENGINEERING REPORT RECOMMENDING THESE METHODS. MECHANICAL OR VIBRATORY COMPACTORS SHALL NOT BE USED ON THE SECOND AND 12"(IN) OF FINAL BACKFILL. COMPACTOR SHALL BE DETERMINED PER ASHTO T-100.



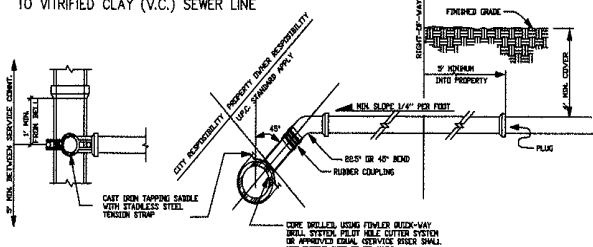
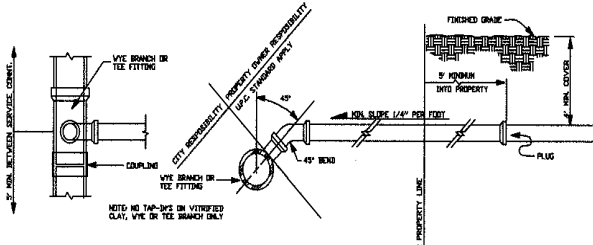
CONCRETE COLLAR DETAIL/DWG. # SAS-6



CONCRETE BASE DETAIL/DWG. # SAS-7

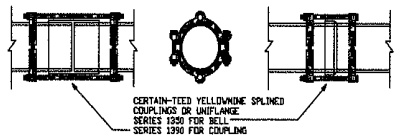


MANHOLE ADAPTER DETAIL/DWG. # SAS-8



SERVICE CONNECTION DETAILS/DWG. # SAS-10

NOTE: AT RIVER AND ARROYO CROSSINGS



NOT TO SCALE

NOT TO SCALE

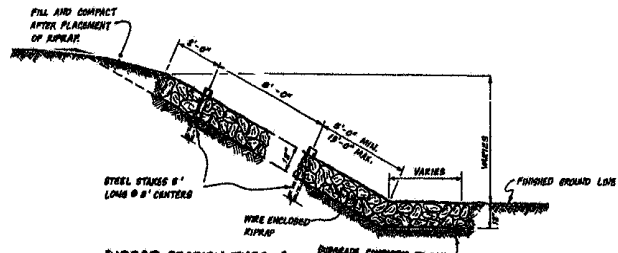
NOTE: REVISIONS TO THIS SHEET SHALL BE MADE UNDER THE AUTHORITY OF THE CITY OF SANTA FE ONLY.



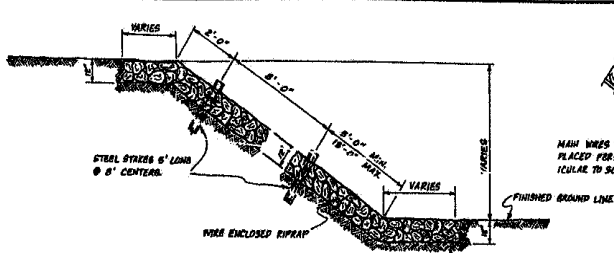
CITY OF SANTA FE  
WATER QUALITY DIVISION

TITLE: SANITARY SEWER  
STANDARD CONSTRUCTION DETAILS

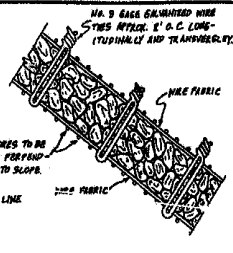
DATE	BY	REVISION	FILE #
JULY 1992	G. CHAVEZ	A	11-10-92
	G. CHAVEZ	A	11-10-92
	G. CHAVEZ	A	11-10-92



**RIPRAP SECTION TYPE A**

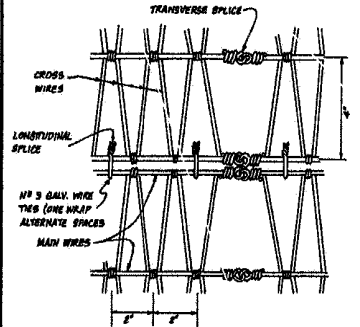
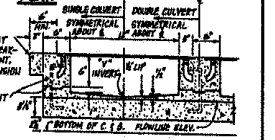


**RIPRAP SECTION TYPE B**

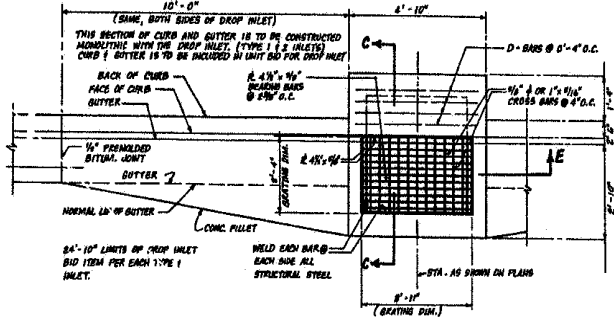


**TYPICAL SECTION**

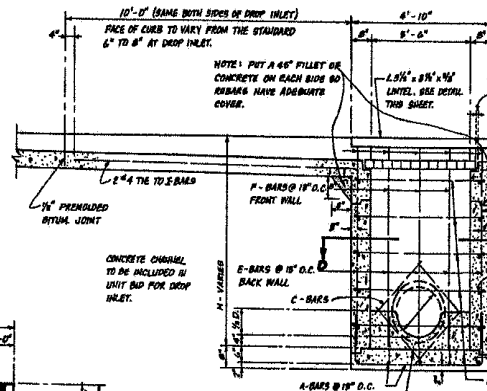
**SINGLE AND DOUBLE CULVERT PLAN**



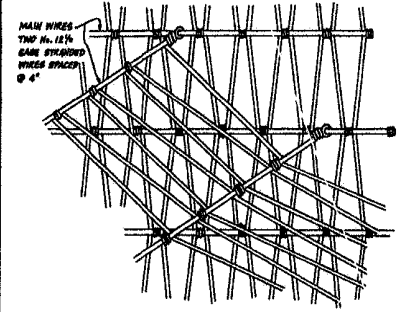
**DETAIL OF WIRE FABRIC AND NORMAL SPLICE**



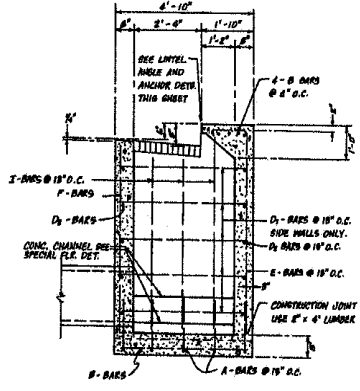
**TYPE-1 INLET PLAN**



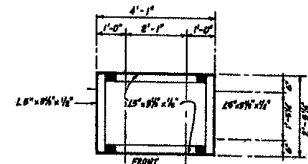
**SECTION A-B**



**DETAIL OF SPLICE @ SKEWED INTERSECTION**



**SECTION C-C**

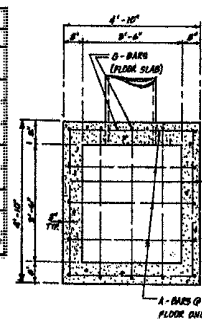


**GRATING FRAME DETAIL**

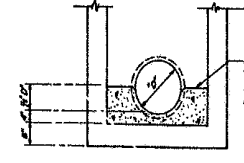
**SECTION E-E**

NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	CONCRETE CHANNEL	1	LINEAL FEET	SEE DETAIL
2	STEEL PLATE	1	SQ. FT.	SEE DETAIL
3	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
4	STEEL STAKES	1	EA.	SEE DETAIL
5	GRATING	1	SQ. FT.	SEE DETAIL
6	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
7	STEEL PLATE	1	SQ. FT.	SEE DETAIL
8	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
9	STEEL STAKES	1	EA.	SEE DETAIL
10	GRATING	1	SQ. FT.	SEE DETAIL
11	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
12	STEEL PLATE	1	SQ. FT.	SEE DETAIL
13	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
14	STEEL STAKES	1	EA.	SEE DETAIL
15	GRATING	1	SQ. FT.	SEE DETAIL
16	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
17	STEEL PLATE	1	SQ. FT.	SEE DETAIL
18	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
19	STEEL STAKES	1	EA.	SEE DETAIL
20	GRATING	1	SQ. FT.	SEE DETAIL
21	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
22	STEEL PLATE	1	SQ. FT.	SEE DETAIL
23	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
24	STEEL STAKES	1	EA.	SEE DETAIL
25	GRATING	1	SQ. FT.	SEE DETAIL
26	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
27	STEEL PLATE	1	SQ. FT.	SEE DETAIL
28	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
29	STEEL STAKES	1	EA.	SEE DETAIL
30	GRATING	1	SQ. FT.	SEE DETAIL
31	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
32	STEEL PLATE	1	SQ. FT.	SEE DETAIL
33	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
34	STEEL STAKES	1	EA.	SEE DETAIL
35	GRATING	1	SQ. FT.	SEE DETAIL
36	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
37	STEEL PLATE	1	SQ. FT.	SEE DETAIL
38	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
39	STEEL STAKES	1	EA.	SEE DETAIL
40	GRATING	1	SQ. FT.	SEE DETAIL
41	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
42	STEEL PLATE	1	SQ. FT.	SEE DETAIL
43	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
44	STEEL STAKES	1	EA.	SEE DETAIL
45	GRATING	1	SQ. FT.	SEE DETAIL
46	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
47	STEEL PLATE	1	SQ. FT.	SEE DETAIL
48	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
49	STEEL STAKES	1	EA.	SEE DETAIL
50	GRATING	1	SQ. FT.	SEE DETAIL
51	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
52	STEEL PLATE	1	SQ. FT.	SEE DETAIL
53	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
54	STEEL STAKES	1	EA.	SEE DETAIL
55	GRATING	1	SQ. FT.	SEE DETAIL
56	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
57	STEEL PLATE	1	SQ. FT.	SEE DETAIL
58	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
59	STEEL STAKES	1	EA.	SEE DETAIL
60	GRATING	1	SQ. FT.	SEE DETAIL
61	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
62	STEEL PLATE	1	SQ. FT.	SEE DETAIL
63	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
64	STEEL STAKES	1	EA.	SEE DETAIL
65	GRATING	1	SQ. FT.	SEE DETAIL
66	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
67	STEEL PLATE	1	SQ. FT.	SEE DETAIL
68	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
69	STEEL STAKES	1	EA.	SEE DETAIL
70	GRATING	1	SQ. FT.	SEE DETAIL
71	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
72	STEEL PLATE	1	SQ. FT.	SEE DETAIL
73	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
74	STEEL STAKES	1	EA.	SEE DETAIL
75	GRATING	1	SQ. FT.	SEE DETAIL
76	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
77	STEEL PLATE	1	SQ. FT.	SEE DETAIL
78	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
79	STEEL STAKES	1	EA.	SEE DETAIL
80	GRATING	1	SQ. FT.	SEE DETAIL
81	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
82	STEEL PLATE	1	SQ. FT.	SEE DETAIL
83	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
84	STEEL STAKES	1	EA.	SEE DETAIL
85	GRATING	1	SQ. FT.	SEE DETAIL
86	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
87	STEEL PLATE	1	SQ. FT.	SEE DETAIL
88	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
89	STEEL STAKES	1	EA.	SEE DETAIL
90	GRATING	1	SQ. FT.	SEE DETAIL
91	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
92	STEEL PLATE	1	SQ. FT.	SEE DETAIL
93	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
94	STEEL STAKES	1	EA.	SEE DETAIL
95	GRATING	1	SQ. FT.	SEE DETAIL
96	CONCRETE CURB	1	LINEAL FEET	SEE DETAIL
97	STEEL PLATE	1	SQ. FT.	SEE DETAIL
98	WIRE FABRIC	1	SQ. YD.	SEE DETAIL
99	STEEL STAKES	1	EA.	SEE DETAIL
100	GRATING	1	SQ. FT.	SEE DETAIL

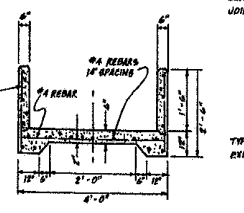
**SECTION E-E**



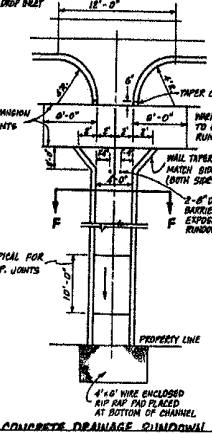
**SECTION D-D**



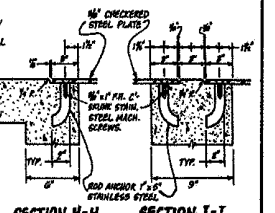
**SPECIAL FLOOR DETAIL**



**TYPICAL RUNDOWN DETAIL**



**SECTION E-E**



**SECTION H-H**



**SECTION I-I**



**SECTION J-J**



**DOWEL DETAIL**



**SIDEWALK CULVERT DETAIL**

**GENERAL NOTES:**

1. CHANNELS TO BE CONSTRUCTED TO THE FOLLOWING DIMENSIONS:
2. CHANNELS TO BE CONSTRUCTED TO THE FOLLOWING DIMENSIONS:
3. CHANNELS TO BE CONSTRUCTED TO THE FOLLOWING DIMENSIONS:
4. CHANNELS TO BE CONSTRUCTED TO THE FOLLOWING DIMENSIONS:
5. CHANNELS TO BE CONSTRUCTED TO THE FOLLOWING DIMENSIONS:
6. CHANNELS TO BE CONSTRUCTED TO THE FOLLOWING DIMENSIONS:

- RIPRAP - GENERAL NOTES:**
1. WIRE FABRIC IS TO BE GALVANIZED "V" MESH OF THE FOLLOWING CONSTRUCTION: MAIN WIRES: TWO NO. 16'S BARE STEEL WIRE SPACED AT 4". CROSS WIRES: SINGLE NO. 16'S BARE WIRE SPACED AT 2" WITH NOT LESS THAN TWO TURNS AROUND THE MAIN WIRES. APPROXIMATE WEIGHT: 60 POUNDS PER 100 SQUARE FEET.
  2. STEEL STAKES MAY BE RAILROAD RAILS WEIGHING NOT LESS THAN 30 LBS. PER YARD, 4" O.D. STANDARD STRENGTH GALVANIZED STEEL PIPE OR 4" x 4" x 1/4" STEEL ANGLE'S. STEEL STAKES SHALL PROJECT 6" ABOVE TOP OF RIPRAP. STEEL STAKES ARE CONSIDERED INCIDENTAL TO THE COMPLETION OF THE WORK AND NO DIRECT MEASUREMENT OF PAYMENT WILL BE MADE THEREFOR.
  3. IF LENGTH OF SLOPE IS 15 FEET OR LESS ONLY ONE ROW OF STEEL STAKES, 6 FEET FROM THE TOP EDGE OF THE RIPRAP, WILL BE REQUIRED UNLESS OTHERWISE NOTED ON PLANS.
  4. AS AN ALTERNATE, WIRE FABRIC MAY BE GALVANIZED STEEL WIRE MEETING THE REQUIREMENTS FOR CLASS B, FINISH B, MEDIUM TENSILE STRENGTH COATED WIRE AS SET FORTH IN FEDERAL SPECIFICATION 88-W-461. THE WIRE SHALL BE CONTINUOUS, HAVE A DIAMETER OF NOT LESS THAN 3/16 INCH AND SHALL BE TRIPLE TWISTED TO FORM A UNIFORM HEXAGONAL MESH PATTERN WITH A NOMINAL OPENING SIZE OF 3" x 4".
  5. DETAIL FROM N.H.S.N.D. DETAIL, SERIAL DER-001-05.

REVISION	
SYMBOL	DATE

**CITY OF SANTA FE**

**DRAINAGE DETAILS**

DRAWN BY: *Charles G. Co.* CHECKED BY: *SHT* DATE:

**TABLE 1-R**  
HELICAL CORRUGATED STEEL PIPE - 2 3/4" X 1/2" CORRUGATION

DIAMETER (INCHES)	MAX. DEPTH OF COVER ABOVE TOP OF PIPE (FEET)	SPECIFIED WALL THICKNESS (INCH)	MIN. COVER (INCHES)
12	15	0.024	1.5
15	18	0.024	1.5
18	21	0.024	1.5
21	24	0.024	1.5
24	27	0.024	1.5
27	30	0.024	1.5
30	33	0.024	1.5
33	36	0.024	1.5
36	39	0.024	1.5
39	42	0.024	1.5
42	45	0.024	1.5
45	48	0.024	1.5
48	51	0.024	1.5
51	54	0.024	1.5
54	57	0.024	1.5
57	60	0.024	1.5
60	63	0.024	1.5
63	66	0.024	1.5
66	69	0.024	1.5
69	72	0.024	1.5
72	75	0.024	1.5
75	78	0.024	1.5
78	81	0.024	1.5
81	84	0.024	1.5
84	87	0.024	1.5
87	90	0.024	1.5
90	93	0.024	1.5
93	96	0.024	1.5
96	99	0.024	1.5
99	102	0.024	1.5
102	105	0.024	1.5
105	108	0.024	1.5
108	111	0.024	1.5
111	114	0.024	1.5
114	117	0.024	1.5
117	120	0.024	1.5
120	123	0.024	1.5
123	126	0.024	1.5
126	129	0.024	1.5
129	132	0.024	1.5
132	135	0.024	1.5
135	138	0.024	1.5
138	141	0.024	1.5
141	144	0.024	1.5
144	147	0.024	1.5
147	150	0.024	1.5
150	153	0.024	1.5
153	156	0.024	1.5
156	159	0.024	1.5
159	162	0.024	1.5
162	165	0.024	1.5
165	168	0.024	1.5
168	171	0.024	1.5
171	174	0.024	1.5
174	177	0.024	1.5
177	180	0.024	1.5
180	183	0.024	1.5
183	186	0.024	1.5
186	189	0.024	1.5
189	192	0.024	1.5
192	195	0.024	1.5
195	198	0.024	1.5
198	201	0.024	1.5
201	204	0.024	1.5
204	207	0.024	1.5
207	210	0.024	1.5
210	213	0.024	1.5
213	216	0.024	1.5
216	219	0.024	1.5
219	222	0.024	1.5
222	225	0.024	1.5
225	228	0.024	1.5
228	231	0.024	1.5
231	234	0.024	1.5
234	237	0.024	1.5
237	240	0.024	1.5
240	243	0.024	1.5
243	246	0.024	1.5
246	249	0.024	1.5
249	252	0.024	1.5
252	255	0.024	1.5
255	258	0.024	1.5
258	261	0.024	1.5
261	264	0.024	1.5
264	267	0.024	1.5
267	270	0.024	1.5
270	273	0.024	1.5
273	276	0.024	1.5
276	279	0.024	1.5
279	282	0.024	1.5
282	285	0.024	1.5
285	288	0.024	1.5
288	291	0.024	1.5
291	294	0.024	1.5
294	297	0.024	1.5
297	300	0.024	1.5
300	303	0.024	1.5
303	306	0.024	1.5
306	309	0.024	1.5
309	312	0.024	1.5
312	315	0.024	1.5
315	318	0.024	1.5
318	321	0.024	1.5
321	324	0.024	1.5
324	327	0.024	1.5
327	330	0.024	1.5
330	333	0.024	1.5
333	336	0.024	1.5
336	339	0.024	1.5
339	342	0.024	1.5
342	345	0.024	1.5
345	348	0.024	1.5
348	351	0.024	1.5
351	354	0.024	1.5
354	357	0.024	1.5
357	360	0.024	1.5
360	363	0.024	1.5
363	366	0.024	1.5
366	369	0.024	1.5
369	372	0.024	1.5
372	375	0.024	1.5
375	378	0.024	1.5
378	381	0.024	1.5
381	384	0.024	1.5
384	387	0.024	1.5
387	390	0.024	1.5
390	393	0.024	1.5
393	396	0.024	1.5
396	399	0.024	1.5
399	402	0.024	1.5
402	405	0.024	1.5
405	408	0.024	1.5
408	411	0.024	1.5
411	414	0.024	1.5
414	417	0.024	1.5
417	420	0.024	1.5
420	423	0.024	1.5
423	426	0.024	1.5
426	429	0.024	1.5
429	432	0.024	1.5
432	435	0.024	1.5
435	438	0.024	1.5
438	441	0.024	1.5
441	444	0.024	1.5
444	447	0.024	1.5
447	450	0.024	1.5
450	453	0.024	1.5
453	456	0.024	1.5
456	459	0.024	1.5
459	462	0.024	1.5
462	465	0.024	1.5
465	468	0.024	1.5
468	471	0.024	1.5
471	474	0.024	1.5
474	477	0.024	1.5
477	480	0.024	1.5
480	483	0.024	1.5
483	486	0.024	1.5
486	489	0.024	1.5
489	492	0.024	1.5
492	495	0.024	1.5
495	498	0.024	1.5
498	501	0.024	1.5
501	504	0.024	1.5
504	507	0.024	1.5
507	510	0.024	1.5
510	513	0.024	1.5
513	516	0.024	1.5
516	519	0.024	1.5
519	522	0.024	1.5
522	525	0.024	1.5
525	528	0.024	1.5
528	531	0.024	1.5
531	534	0.024	1.5
534	537	0.024	1.5
537	540	0.024	1.5
540	543	0.024	1.5
543	546	0.024	1.5
546	549	0.024	1.5
549	552	0.024	1.5
552	555	0.024	1.5
555	558	0.024	1.5
558	561	0.024	1.5
561	564	0.024	1.5
564	567	0.024	1.5
567	570	0.024	1.5
570	573	0.024	1.5
573	576	0.024	1.5
576	579	0.024	1.5
579	582	0.024	1.5
582	585	0.024	1.5
585	588	0.024	1.5
588	591	0.024	1.5
591	594	0.024	1.5
594	597	0.024	1.5
597	600	0.024	1.5
600	603	0.024	1.5
603	606	0.024	1.5
606	609	0.024	1.5
609	612	0.024	1.5
612	615	0.024	1.5
615	618	0.024	1.5
618	621	0.024	1.5
621	624	0.024	1.5
624	627	0.024	1.5
627	630	0.024	1.5
630	633	0.024	1.5
633	636	0.024	1.5
636	639	0.024	1.5
639	642	0.024	1.5
642	645	0.024	1.5
645	648	0.024	1.5
648	651	0.024	1.5
651	654	0.024	1.5
654	657	0.024	1.5
657	660	0.024	1.5
660	663	0.024	1.5
663	666	0.024	1.5
666	669	0.024	1.5
669	672	0.024	1.5
672	675	0.024	1.5
675	678	0.024	1.5
678	681	0.024	1.5
681	684	0.024	1.5
684	687	0.024	1.5
687	690	0.024	1.5
690	693	0.024	1.5
693	696	0.024	1.5
696	699	0.024	1.5
699	702	0.024	1.5
702	705	0.024	1.5
705	708	0.024	1.5
708	711	0.024	1.5
711	714	0.024	1.5
714	717	0.024	1.5
717	720	0.024	1.5
720	723	0.024	1.5
723	726	0.024	1.5
726	729	0.024	1.5
729	732	0.024	1.5
732	735	0.024	1.5
735	738	0.024	1.5
738	741	0.024	1.5
741	744	0.024	1.5
744	747	0.024	1.5
747	750	0.024	1.5
750	753	0.024	1.5
753	756	0.024	1.5
756	759	0.024	1.5
759	762	0.024	1.5
762	765	0.024	1.5
765	768	0.024	1.5
768	771	0.024	1.5
771	774	0.024	1.5
774	777	0.024	1.5
777	780	0.024	1.5
780	783	0.024	1.5
783	786	0.024	1.5
786	789	0.024	1.5
789	792	0.024	1.5
792	795	0.024	1.5
795	798	0.024	1.5
798	801	0.024	1.5
801	804	0.024	1.5
804	807	0.024	1.5
807	810	0.024	1.5
810	813	0.024	1.5
813	816	0.024	1.5
816	819	0.024	1.5
819	822	0.024	1.5
822	825	0.024	1.5
825	828	0.024	1.5
828	831	0.024	1.5
831	834	0.024	1.5
834	837	0.024	1.5
837	840	0.024	1.5
840	843	0.024	1.5
843	846	0.024	1.5
846	849	0.024	1.5
849	852	0.024	1.5
852	855	0.024	1.5
855	858	0.024	1.5
858	861	0.024	1.5
861	864	0.024	1.5
864	867	0.024	1.5
867	870	0.024	1.5
870	873	0.024	1.5
873	876	0.024	1.5
876	879	0.024	1.5
879	882	0.024	1.5
882	885	0.024	1.5
885	888	0.024	1.5
888	891	0.024	1.5
891	894	0.024	1.5
894	897	0.024	1.5
897	900	0.024	1.5
900	903	0.024	1.5
903	906	0.024	1.5
906	909	0.024	1.5
909	912	0.024	1.5
912	915	0.024	1.5
915	918	0.024	1.5
918	921	0.024	1.5
921	924	0.024	1.5
924	927	0.024	1.5
927	930	0.024	1.5
930	933	0.024	1.5
933	936	0.024	1.5
936	939	0.024	1.5
939	942	0.024	1.5
942	945	0.024	1.5
945	948	0.024	1.5
948	951	0.024	1.5
951	954	0.024	1.5
954	957	0.024	1.5

